

# GENOCIDE: A POLITICAL GENEALOGY

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## Abstract

The Polish jurist Raphael Lemkin added the concept of genocide to our vocabulary barely seventy years ago. In the ensuing decades, ‘genocide’ has become a highly politicized term employed in discussions of ethics, law, and history. This dissertation investigates what I described as the ‘politics of genocide’ or the historical evolution of the concept, rather than the practice, in political discourse. It argues that from Raphael Lemkin’s initial writings, to the United Nations Genocide Convention, to contemporary invocations of the concept, genocide transformed from a once-broad notion, incorporating many different political communities and forms of violence, into an exclusive reference for mass physical violence directed at stable religious, racial or ethnic groups. This normative understanding of genocide obscures a more complex picture of contemporary political violence that includes colonial histories, institutional conditions, and technological innovations. The dissertation examines the discourse of genocide by tracing the transformation of three distinct parts the concept: groups, destruction, and intention. Each chapter is dedicated to one of these parts and evaluates how they transform over time in relation to events such as the Vietnam War, the birth of human rights, and new technologies. Ultimately, the dissertation contends that genocide enables the formation of new forms of international governance, which erode traditional structures of sovereignty and limits the recognition of many episodes of mass violence. The discourse of genocide has thus become a large part of an emergent and exclusionary form of politics.

Defense Committee

Prof. Siba Grovogui  
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## Chapter 1: An Introduction

“New conceptions require new terms.”<sup>1</sup>

Raphael Lemkin

“Today it is impossible to say for certain *why* people are really punished: all concepts in which an entire process is semiotically concentrated elude definition; only that which has no history is definable.”<sup>2</sup>

Friedrich Nietzsche

### The Origins of Genocide

Genocide. Few words resonate with the horrors of the past century like this one. You hear of genocide in the news or see the word on an activist’s sign and, before you realize it, a process of empathic identification starts to take place. Names like Sudan, Rwanda, and Germany or pictures of concentration camps and emaciated bodies may enter your consciousness. Accompanying these names and images may be a sensation, perhaps inexpressible, that something terribly wrong is taking place, a sense of frustration with the state of the world. Indeed, few words can be simply whispered and produce such stilling discomfort. Few words signal ethical and political crisis in such a powerful way.

Of course, the word ‘genocide’ does not possess any secret power nor does it function the same way in every context. Rather, ‘genocide’ resonates and unsettles because it draws upon a network or assemblage of relations, institutions, expectations, and sensations that generate these and other reactions. This network is a political and historical product, much like the concept of genocide itself, and it is this network that shapes the enunciation or semiotics of the concept in contemporary politics. While the efficacy of the concept of genocide depends on this assemblage, the assemblage is also a

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<sup>1</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944): 79.

<sup>2</sup> Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. Walter Kaufmann (New York: Vintage Books, 1989): 80, emphasis in the original.

result of explicit efforts to popularize the concept, to design the concept of genocide in order to ascribe significance to a new set of horrific events. The articulation of the concept of genocide, what I call the politics of genocide, is thus multiple in form and function.<sup>3</sup> For the study of genocide this creates a problem: if we examine the politics of genocide, the history of the promotion of this concept as well as the effects of this promotion, where do we begin? How do we enter the politics of genocide? Although the concept developed in the historical context of the Nazi state's effort to exterminate the Jews, Sinti and Roma, and other groups, the word has since come to describe numerous other episodes of mass violence. How do we account for these disparate invocations of genocide? Furthermore, if the concept depends on a heterogeneous assemblage of political statements and events then at what point do we start to describe the birth or formation of the politics of genocide? What forms of exclusion are bound up with this decision?

We might begin our history of genocide in June 2002, when the last Basarwa were removed from the Central Kalahari Game Reserve (CKGR) by the government of Botswana and relocated to a settlement called New Xade.<sup>4</sup> The Basarwa had been legal residents of the CKGR since the formal creation of the state of Botswana in 1961. In fact, they had inhabited the desert and plains for centuries before the state, or even the idea of

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<sup>3</sup> David Peterson and Edward Herman use this term in their book *The Politics of Genocide* in order to describe a different set of concerns about the inequalities fostered by American imperialism. While some of their concerns overlap with the issues discussed in this dissertation. I speak of a broader constellation of political forces and discourses in referencing a politics of genocide and am not interested in the unilateral politics of the American uses of the term. Indeed, if figures such as Samantha Power often resort to rubrics of American exceptionalism in calling for genocide prevention, Peterson and Herman appear to simply reverse this move by decrying the US on the basis of exceptionalism. In both accounts, the US remains an exceptional figure in the discursive history of the concept. David Peterson and Edward Herman, *The Politics of Genocide* (New York: Monthly Review Press, 2010).

<sup>4</sup> The term Basarwa is one of several names for this group of people others include San, Khwe, Sho and Bushman. Each designation has a complex, pejorative colonial history. Rupert Isaacson, "Last Exit from the Kalahari: The Slow Genocide of the Bushmen/San," *openDemocracy*, August 27, 2002, [https://www.opendemocracy.net/ecology-summits/article\\_267.jsp](https://www.opendemocracy.net/ecology-summits/article_267.jsp).



the modern state, came into existence.<sup>5</sup> During the 1980s, prospectors discovered kimberlite deposits, a good indicator for the presence of diamonds, in a section of the CKGR near Gobe. By 1997, the government of Botswana had begun a formal relocation campaign in order to pressure the Basarwa to abandon the reserve presumably to access these diamond-rich areas.<sup>6</sup>

These relocation efforts incited considerable protest from international development and humanitarian organizations such as the Norwegian Agency for Development Cooperation (NORAD).<sup>7</sup> The attention garnered by this ‘blood diamonds’ controversy persuaded the state to temporarily end the relocation campaign. However, the government turned to other tactics to compel the Basarwa to leave including secretly sealing the only borehole that provided the Basarwa with fresh water, revoking Basarwan hunting licenses, and intimidating members of the group.<sup>8</sup> After five years of unsuccessful attempts to ‘motivate’ the Basarwa, the government restarted the relocation campaign and the last Basarwa were evicted from the CKGR in 2002.<sup>9</sup>

During the next decade the struggle over the Basarwa’s relocation revealed much about the complex connections between transnational advocacy networks, domestic legal systems, corporate interests, historical narratives, private militias, post-colonial expectations, and discourses about genocide. Soon after the relocation, several hundred Basarwa sued the government of Botswana in the High Court of Botswana for the illegal

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<sup>5</sup> The Basarwa partitioned and distributed this territory according to their own set of rules, divisions, and groupings. Isaac Ncube Mazonde, “The Basarwa of Botswana: Leadership, Legitimacy and Participation in Development Sites,” Text, *Cultural Survival*, (March 25, 2010), <http://www.culturalsurvival.org/ourpublications/csq/article/the-basarwa-botswana-leadership-legitimacy-and-participation-development>.

<sup>6</sup> Isaacson, “Last Exit from the Kalahari.”

<sup>7</sup> Isaac Ncube Mazonde, “The Basarwa of Botswana.”

<sup>8</sup> Isaacson, “Last Exit from the Kalahari.”

<sup>9</sup> Survival International, “Bushmen,” accessed March 17, 2015, <http://www.survivalinternational.org/tribes/bushmen>. Survival International.

relocation. The suit was organized by First People of the Kalahari, a local Basarwan initiative, but was funded by larger international humanitarian collectives such as Survival International.<sup>10</sup> The purpose of the suit was simple: get the court to legally require the return of the Basarwa to the CKGR. Many commentators in the international press felt this strategy was a dead end. Botswana is one of the few ‘development success stories’ in Southern Africa largely because of the diamond industry, beef industry, and foreign direct investment.<sup>11</sup> The state’s ‘success’ was thus closely tied to its subservience to international economic interests. More importantly, Debswana, the company that was permitted to prospect for diamonds in the CKGR, was co-owned by the DeBeers corporation and the government of Botswana. So, the state had a direct incentive to ignore the Basarwa. This economic incentive combined with a ‘weak’ judicial system, ‘corrupt African leadership,’ and Tswanan ‘ethnic hostility’ against the Basarwa supposedly ensured a favorable outcome for the government.<sup>12</sup> If the interests of the state, ethnic dominance, and international finance coincided, what chance could the Basarwa possibly have?

Much to everyone’s surprise in both 2006 and 2011 the High Court of Botswana and the Botswana Court of Appeals declared the relocation of the Basarwa unlawful.<sup>13</sup> Unfortunately, neither decision significantly impacted governmental policy. Instead, the state licensed further boring operations throughout the CKGR while refusing to facilitate the Basarwa’s return. In the meantime, the Basarwan population living at New Xade

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<sup>10</sup> Ibid.

<sup>11</sup> Despite being the ‘jewel of Africa’ Botswana’s economic indicators say little about the condition of people throughout the country. Scott A. Beaulier, “Explaining Botswana’s Success: The Critical Role of Post-Colonial Policy,” *Cato Journal* 23, no. 2 (Fall 2003): 232.

<sup>12</sup> Kirthi Jayakumar, Liam Anderson, and Rom Bhandari, “Evicted from Ancestral Lands: Botswana’s Basarwa Minority,” March 21, 2013, <http://thinkafricapress.com/botswana/evicted-ancestral-lands-botswana-basarwa-minority-bushmen>.

<sup>13</sup> Survival International, “Bushmen.”

became subject to slow death and social deterioration as an inconsistent supply of food, medicine, and clothing, the influx of disease, and the tolls of economic disenfranchisement did their work. The government also sponsored new education programs at New Xade aimed at ‘developing’ the Basarwa by persuading them to pursue more ‘traditional’ educational and professional activities.<sup>14</sup> Over the past decade, the Basarwan population has dwindled.<sup>15</sup>

In newspapers, editorials, and courtrooms the dispute over the relocation of the Basarwa was centered on questions of legality, territory, and constitutional rights. However, these questions were supplemented by a growing concern that the Basarwa were victims of ‘genocide.’ Indeed, the treatment of the Basarwa was often described as an act of genocide in the editorials and pamphlets of humanitarian groups such as International Funders.<sup>16</sup> Journalist Rupert Isaacson, who published one of the first stories in European media markets on the Basarwa’s predicament, described the situation as one of “slow genocide” citing the much longer colonial (and postcolonial) legacy of discriminating against nomadic societies.<sup>17</sup> In the same vein, the Public Law and Policy Group, an international legal aid organization, identified the forced removal of the Basarwa as a form of “cultural genocide.”<sup>18</sup> Survival International similarly referred to the situation in separate documents as “perilously close to genocide” and “tantamount to genocide.”<sup>19</sup> These groups explicitly chose to adopt the term ‘genocide’ to expand

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<sup>14</sup> “Botswana Opens a Path for Bushmen to Study at University - Taipei Times,” July 25, 2010, <http://www.taipeitimes.com/News/world/archives/2010/07/25/2003478743>.

<sup>15</sup> Survival International, “Bushman.”

<sup>16</sup> Ibid.

<sup>17</sup> Isaacson, “Last Exit from the Kalahari.”

<sup>18</sup> Evelyn Arce-White, “Funding Indigenous Conservation: International Funders for Indigenous Peoples Strive to Protect Pristine Environments” (International Funders: For Indigenous Peoples, Summer 2005), 4.

<sup>19</sup> As cited in “Row over Bushmen ‘Genocide,’” *BBC*, November 6, 2005, sec. Crossing Continents, [http://news.bbc.co.uk/2/hi/programmes/crossing\\_continents/4404816.stm](http://news.bbc.co.uk/2/hi/programmes/crossing_continents/4404816.stm).

awareness and sympathy for the Basarwa in the hopes that these sentiments would mobilize greater intervention from the international community.

The use of 'genocide' incited a series of controversies. Many domestic Botswanan groups, including the Basarwan affiliated Kuru Family of Organizations, felt the word was inappropriate given the treatment of the Basarwa. After all, they argued, there were no mass killings and the Basarwa had not been forced to abandon their cultural or ethnic identity. Other groups counseled against the use of the concept because of the comparatively small size of the Basarwan population (relative to the 'genocide' in Darfur) and the fear that the label 'genocide' would trivialize more significant events. Of course, the government of Botswana denied the charge.<sup>20</sup> However, others pointed out that the government had every incentive to deny the accusation since they oversee and administer New Xade. Nonetheless, government representatives repeatedly responded to allegations of genocide by insisting that the Basarwa's relocation was a 'voluntary decision' thereby sidestepping any possibility of intentional misconduct.<sup>21</sup> The controversy over the 'genocide' continues to this day while the Basarwa linger at New Xade.

Alternately, the history of the concept of genocide might begin on July 10<sup>th</sup>, 1915, the day Henry Morgenthau Sr., the US Ambassador to the Ottoman Empire, sent an urgent cable to the State Department in Washington. Over the preceding months, Morgenthau had accumulated evidence of a systematic effort to destroy the Armenian minority throughout the Ottoman Empire. In his cable, Morgenthau wrote: "I am

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<sup>20</sup> "BOTSWANA: Government Denies Diamonds behind Basarwa Removals," *IRINnews*, November 11, 2002, accessed March 17, 2015, <http://www.irinnews.org/report/36107/botswana-government-denies-diamonds-behind-basarwa-removals>.

<sup>21</sup> John Simpson, "Bushmen Fight for Homeland," *BBC*, May 2, 2005, sec. Africa, <http://news.bbc.co.uk/2/hi/africa/4480883.stm>.

confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915.”<sup>22</sup> Morgenthau’s letter registered shock that: “When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.”<sup>23</sup> Unbeknownst to Morgenthau, the State Department was already aware of the situation. In fact, in May 1915 the State Department received a copy of a joint Allied condemnation of the Ottoman Empire. The Allied statement read plainly: “in view of these new crimes of Turkey against humanity and civilization the Allied governments announce publicly to the Sublime Porte that they will hold personally responsible ...all members of the Ottoman government.”<sup>24</sup> Morgenthau’s pleas for US action fell on deaf ears and he resigned his commission.

Seventeen years later, a Polish jurist by the name of Raphael Lemkin produced a paper for a conference in Madrid on International Penal Law. In his paper, Lemkin argued that the events in the Ottoman Empire were “not particularly a question of public danger, but of a broader concept, general danger, that we want to [now] call transnational danger.”<sup>25</sup> Transnational danger required the creation of a new category of crime because it superseded the authority of a single state. Inspired by the massacre of the Armenians, Lemkin developed the categories of ‘crimes of vandalism’ and ‘crimes of barbarity.’ He

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<sup>22</sup> Henry Morgenthau, *Ambassador Morgenthau’s Story: A Personal Account of the Armenian Genocide* (Cosimo, Inc., 2010): 221.

<sup>23</sup> Ibid, 213.

<sup>24</sup> Armenian National Institute, “France, Great Britain and Russia Join Declaration,” May 24, 1915, [http://www.armenian-genocide.org/Affirmation.160/current\\_category.7/affirmation\\_detail.html](http://www.armenian-genocide.org/Affirmation.160/current_category.7/affirmation_detail.html).

<sup>25</sup> Raphael Lemkin, “Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations” (Prevent Genocide International, October 14, 1933), <http://www.preventgenocide.org/lemkin/madrid1933-english.htm>.

would later revise and combine these categories in order to create a more familiar concept: genocide.

Fifty years later, Benjamin Whitaker, the Special Rapporteur to the United Nations Sub-Commission On Prevention of Discrimination and Protection of Minorities<sup>26</sup> presented the sub-committee with a report on genocide. This report listed the massacre of the Armenians in the ‘historical survey’ of genocide.<sup>27</sup> A scandal ensued. In 1985, the sub-committee elected to resolve the ‘Whitaker controversy’ with a statement: “the view was expressed by various speakers that such massacres indeed constituted genocide, as was well documented by the Ottoman military trials of 1919, eyewitness reports and official archives. Objecting to such a view, various participants argued that the Armenian massacre was not adequately documented and that certain evidence had been forged.”<sup>28</sup> Following this statement, the sub-committee decided against making any final judgment on the matter and refrained from sending Whitaker’s document to the United Nations Commission on Human Rights.<sup>29</sup>

Twenty-two years later, a bill was proposed in the House of Representatives that would officially recognize the Armenian genocide. In response, the Turkish government recalled its ambassador to the United States. Numerous politicians, pundits, and military officials suggested that Turkey might further respond by restricting US access to its

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<sup>26</sup> This is a subcommittee of the United Nations Commission on Human Rights. It is tasked with ensuring proper application of the United Nations Genocide Conventions.

<sup>27</sup> Benjamin Whitaker, “Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide” (Sub-Commission on the Prevention of Discrimination and Protection of Minorities, July 2, 1985), 8.

<sup>28</sup> As quoted in William A. Schabas, *Genocide in International Law*, 2nd edition (Cambridge University Press, 2012): 558.

<sup>29</sup> Interestingly, Whitaker’s report also included as a new genocide the 1972 slaughter of Hutu’s by Tutsi’s in Burundi. The report counseled extensive action by the UN in the hopes of preventing future problems.

airspace thereby hampering ongoing American operations in Iraq and Afghanistan.<sup>30</sup> In a statement in the winter of 2008, Senator Barack Obama declared a “firmly held conviction that the Armenian Genocide is not an allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence. The facts are undeniable. An official policy that calls on diplomats to distort the historical facts is an untenable policy.”<sup>31</sup> However, on April 24<sup>th</sup> 2009, Armenian Genocide Remembrance Day, President Obama refrained from using the word ‘genocide’ in his official statement commemorating the Armenian Genocide.<sup>32</sup> The popular fact-checking site Politifact lists this as a “promise broken.”<sup>33</sup>

Finally, at least for now, we could start with the cholera epidemic that began in rural Haiti in October 2010. This epidemic killed over six thousand people, infected thousands more, and continues to impact the state to this day. In October 2011, the Brazilian organization Faculdade de Direito de Santa Maria (FADISMA) filed a petition with the Inter-American Commission on Human Rights alleging that the United Nations was “undoubtedly and seriously negligent” in its handling of the epidemic and further contended that the UN should be “blamed for an ‘involuntary genocide’.”<sup>34</sup> According to FADISMA, in 2004 the UN Security Council had voted in favor of Resolution 1542,

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<sup>30</sup> “Turkey Recalls Ambassador to U.S. Over Armenian Genocide Bill,” *Associated Press*, (October 11, 2007), <http://www.foxnews.com/story/2007/10/11/turkey-recalls-ambassador-to-us-over-armenian-genocide-bill>.

<sup>31</sup> Barack Obama, “Barack Obama on the Importance of US-Armenia Relations,” January 19, 2008, [http://armeniansforobama.com/armenian\\_issues.php](http://armeniansforobama.com/armenian_issues.php).

<sup>32</sup> The White House Office of the Press Secretary, “Statement of President Barack Obama on Armenian Remembrance Day,” *Whitehouse.gov*, April 24, 2009, <https://www.whitehouse.gov/embeds/footer>.

<sup>33</sup> “Recognize the Armenian Genocide,” *PolitiFact*, accessed March 17, 2015, <http://www.politifact.com/truth-o-meter/promises/obameter/promise/511/recognize-armenian-genocide/>.

<sup>34</sup> Faculdade de Direito de Santa Maria, “Petition to the Inter-American Commission on Human Rights Concerning the Violation, by the United Nations Organization, of the Human Right to Life and Humane Treatment, Enshrined in Articles 4 and 5 of the American Convention on Human Rights and Article 1 of the American Declaration of the Rights and Duties of Man” (Faculdade de Direito de Santa Maria, October 2011), 15.

which created the United Nations Stabilization Mission in Haiti (MINUSTAH). This mission was intended to assist, rebuild, and stabilize Haiti. Part of MINUSTAH's mandate included "the prevention and control of HIV/AIDS and other communicable diseases in all of its peacekeeping missions."<sup>35</sup> To this end, MINUSTAH established a base for airlift operations in rural Haiti near the town of Mirebalis. The base was situated 150 feet above a nearby reservoir that served as the primary water source for Mirebalis. During the summer of 2010, Nepalese peacekeepers were sent to Haiti to assist in stabilizing the country in the wake of the January 2010 earthquake.<sup>36</sup> According to FADISMA's documentation, many of the peacekeepers at Mirebalis, under the direction of UN supervisors, regularly used a nearby pit to dispose of human waste. Cholera, which was present in fecal matter, seeped into the local water sources, due in part to the decay of the infrastructure and the lack of waste management facilities, and eventually infected the local population.<sup>37</sup> The disease quickly spread. The earthquake had destroyed local water transportation and treatment systems so conditions were primed for a water-born epidemic. However, FADISMA alleges that 'negligence' precipitated the outbreak because the UN was aware that Nepal was experiencing an ongoing cholera epidemic. In spite of this knowledge, the UN failed to screen the Nepalese peacekeepers before they were transferred to Haiti. Apparently, the earthquake-emergency led MINUSTAH to suspend inspections for infectious agents.<sup>38</sup> According to FADISMA, MINUSTAH could

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<sup>35</sup> "United Nations Security Council Resolution 1542 (2004) [on Establishment of the UN Stabilization Mission in Haiti (MINUSTAH)]," *Refworld*, accessed March 17, 2015, <http://www.refworld.org/docid/48bfc5642.html>.

<sup>36</sup> Georgianne Nienaber, "Cholera Petition Suggests UN Caused 'Involuntary Genocide' in Haiti," *LA Progressive*, December 16, 2011, <http://www.laprogressive.com/cholera-epidemic/>.

<sup>37</sup> Amy Goodman and Brian Concannon, "Exclusive: 5,000 Haitian Cholera Victims Sue U.N. After Deadly Epidemic Kills 6,000, Sickens 450,000," *Democracy Now!*, November 8, 2011, [http://www.democracynow.org/2011/11/8/exclusive\\_5\\_000\\_haitian\\_cholera\\_victims](http://www.democracynow.org/2011/11/8/exclusive_5_000_haitian_cholera_victims).

<sup>38</sup> *Ibid.*



have and should have avoided exposing the Haitian population to cholera.

The UN obviously contests the accusation of ‘genocide.’ According to a 2011 UN report, the epidemic “was caused by a confluence of circumstances...and was not the fault of, or deliberate action of, a group or individual.”<sup>39</sup> Yet, this report confirmed the human and geographic origin of the outbreak, the lack of proper sanitation at Mirebalis, the biotype of the infection, and the lack of appropriate health inspection protocols at Mirebalis thereby validating much of FADISMA’s story.<sup>40</sup> Certainly, the number of ‘unintentional’ circumstances in this context is considerable: bacteria, weather, infrastructural decay, water flow, global travel patterns, earthquakes, states of exception, and disorganization. The UN reply recognizes only a selection of these factors as a ‘confluence of circumstances.’ By contrast, FADISMA expands the list to include organizational mistakes, but neglects many other ‘unconsidered’ circumstances such as inequitable development policies, legacies of colonialism, Western supported petty dictatorships, structural adjustment policies, plate tectonics, and, of course, feces.<sup>41</sup> Thus, even when FADISMA deploys the concept of ‘genocide’ it emphasizes only a small subset of influential circumstances.

What is the value of starting with these examples? How could they help us think about that ensemble of statements, enunciations, and affectations that form the politics of genocide? How might they complicate our understanding of the political responses to genocide traditionally proposed by humanitarian movements, states, and international

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<sup>39</sup> Alejandro Cravioto et al., “Final Report of the Independent Panel of Experts on the Cholera Outbreak in Haiti” (United Nations, October 24, 2010), 4.

<sup>40</sup> Faculdade de Direito de Santa Maria, “Petition to the Inter-American Commission on Human Rights Concerning the Violation, by the United Nations Organization, of the Human Right to Life and Humane Treatment, Enshrined in Articles 4 and 5 of the American Convention on Human Rights and Article 1 of the American Declaration of the Rights and Duties of Man,” 29.

<sup>41</sup> Peter Hallward, *Damming the Flood: Haiti and the Politics of Containment*, New Updated Edition (London ; New York: Verso, 2010).

institutions? If, as I have already suggested, the concept of genocide emerges from within a larger political assemblage then there is, strictly speaking, no single origin to the concept of genocide nor are different invocations of genocide grappling with the same thing or idea. What each case illustrates is an example of how the concept of genocide operates in this assemblage. Each example shows how the invocation of genocide occurs in connection to a complex, multiple, and non-linear history. What ties these stories together is the fact that in each case the invocation of ‘genocide’ constitutes a mode of *politicization* that constructs a set of links between an unethical event and set of political expectations or demands. Each sample highlights the effort to link the concept of genocide to new episodes of destruction and sets up a political conflict over the expansion of the concept, a battle over the limits of genocide as a discourse in global politics.

### The Standard History of Genocide

The Polish jurist Raphael Lemkin developed the concept of genocide barely seventy years ago. He defined genocide as “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objective of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.”<sup>42</sup> Only a few years later, genocide became an artifact of international law with the creation of the United Nations Convention on the Prevention and Punishment of the Crime of

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<sup>42</sup> Lemkin, *Axis Rule in Occupied Europe*, 79.

Genocide (UNGC). Over the next half century, genocide became a dominant category framing various events of mass violence and inciting political response to atrocity. This constitutes nothing short of a veritable explosion in political discourse and it begs the question: how do we account for the privileged place the concept of genocide has in humanitarian and political discourse?<sup>43</sup>

The dominant explanation for this process appears in the work of figures like Samantha Power and Jay Winter.<sup>44</sup> These authors offer what might be called a ‘progressive explanation’ of the history of the concept. Their explanation links Lemkin’s development of the term in the midst of the Second World War to the slow expansion of international society and human rights consciousness. This account maintains that the concept was popularized during the International Military Tribunal (IMT) at Nuremberg when Lemkin persuaded Allied prosecutors such as Robert Jackson and Harley Shawcross to include the word ‘genocide’ in the formal indictment of the Major War Criminals.<sup>45</sup> Only two years after the conclusion of the trial, the progressive explanation continues, the international community recognized the imperative of preventing the annihilation of national groups and made genocide a formal part of international law with the adoption of the UNGC in 1948.<sup>46</sup> The UNGC redefined genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious

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<sup>43</sup> It is important to note that the events described by the concept genocide certainly answer part of this question. However, even if we grant the influence of the Nazi genocide on the growth of the concept, this still begs the question why this concept became the dominant one for describing these events. Moreover, it begs the further question of why this event and no other was initially viewed as part of genocide.

<sup>44</sup> Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002); Jay Winter, “Prophet Without Honors,” *Chronicle of Higher Education*, June 3, 2013, <http://chronicle.com/article/Raphael-Lemkin-a-Prophet/139515/>.

<sup>45</sup> Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002): 32.

<sup>46</sup> See Jay Winter, “Prophet Without Honors.”

bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.”<sup>47</sup> Unfortunately, this explanation continues, the failure of the US to ratify the UNGC undermined the convention’s credibility and, even after the Proxmire Act was finally enacted in 1988, American reservations and attitudes continued to hamper international response to genocide. It wasn’t until the Rwandan Genocide and the transparent failure of the West to intervene that genocide found lasting traction in international consciousness. Then, the explanation clarifies, the popularization of the concept was a byproduct of the fervent labors of human rights advocates who consistently fought for the expansion of international law in the face of apathetic states that refused to intervene in humanitarian crises out of self-interest.<sup>48</sup>

According to this narrative, the critical task of genocide prevention now involves working on ‘political will’ to stimulate public demands to oblige powerful states to respond to genocide. The primary means for achieving this goal is a campaign centered on more ‘communication,’ ‘information,’ and ‘awareness’ concerning genocide, a persuasive effort that relies on the production of a brutal menagerie of thanatographic images and rhetorics. The ‘lesson’ of this media is quite simple: this is what genocide looks like, this must be stopped, all we lack is the political determination, and so you should speak out. The history of the concept of genocide is thereby tied to the recognition of genocide’s existence in the world, the expansion of international consciousness about the status of human welfare, and the role of democratic political agency in overcoming

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<sup>47</sup> “Convention on the Prevention and Punishment of the Crime of Genocide,” Treaty Series, Vol. 78 (UN General Assembly, December 9, 1948), <http://www.refworld.org/docid/3ae6b3ac0.html>.

<sup>48</sup> Power, *A Problem from Hell*, 4.

this predicament.<sup>49</sup>

There are many problems with this account. First, the narrative offers no explanation of how or why genocide became a popular political concept at all. Instead, the explanation presumes that the concept's utility or self-evident importance in light of the Nazi crimes led to change thereby substituting historical contingency for moral and logical necessity. Second, it fails to interrogate the concept of genocide as a term that draws on certain discourses about humanity, identity and the state and sets aside the question of why these discourses make 'genocide' appealing in contrast to other terms such as 'crimes against humanity' or 'universal human rights.' Third, the history offered by this explanation is simply too linear. From the moment Lemkin developed the concept, the international community is presented as progressively becoming more receptive to humanitarian ideals as the world witnesses more and more grotesque human behavior. Implicitly, this narrative treats humanitarian ideals and violent imagery as possessing some kind of intrinsic persuasive force. This assumption justifies ignoring the bumpy, complex and discontinuous transformations of concept of genocide in global politics while justifying a series of unforgiving and cynical judgments about the international community's response to atrocities. These judgments cast the problem of genocide as one of 'political will' and 'non-intervention' while setting aside complex and vexing questions like how genocides emerge in the first place. Indeed, this explanation frames the problem of genocide in a fundamentally *reactive* way. The narrative is always centered on how we failed to *prevent* genocide, but never about the *creation* of genocide since the latter might disturb the structure of a progressive history. The argument that domestic publics need to speak out in order to force states to intervene also relies on the

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<sup>49</sup> Jay Winter, "Prophet Without Honors," 12.

claim that genocide is never spoken about in public. In a textbook example of the Foucaultian ‘repressive hypothesis,’ the statement that genocide has been systematically repressed belies the fact that we talk about it frequently, that ‘genocide’ has lately become a mainstay language in humanitarian politics.<sup>50</sup> Fourth, the explanation refers to only a select group of well-documented historical genocides. In Power’s work, for instance, the Armenian, Nazi, Cambodian, and Rwandan genocides are discussed in great detail along with genocide in Iraq and the former Yugoslavia.<sup>51</sup> Other episodes of historical mass murder such as the destruction of indigenous peoples in the Americas, the massacres in Indonesia in the 1960s or the extermination of the Herero and Nama peoples in German Southwest Africa, events that challenge the progressive arc of this narrative, receive little or no attention. The dominant explanation thus selects specific cases of genocide according to intuitive sensibilities about what events matter to a global public. Lastly, this explanation never discusses the historical debates and contestations over of genocide. Instead, the history is framed as a fight between two sides over the response to genocide. This framing positions the concept of genocide as *a priori* productive. In this way, genocide, as an object of knowledge, is accepted in ‘good faith’ as a kind of ‘common sense’ without investigating the implications of different interpretations of genocide. In sum, this explanation, which claims to answer the question of how genocide became such an important concept, presupposes the utility and importance of the concept while offering a history of the concept’s origin that actively erases the historical transformations or becoming of the concept. I argue that these transformations are critical for understanding how genocide became into an expression for *politicizing* various forms

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<sup>50</sup> Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction*, Reissue edition (New York: Vintage, 1978): 29-35.

<sup>51</sup> Power, *A Problem from Hell*, 48.

of violence, privation, and destruction.

### The Normative Understanding of Genocide

Many of the problems with the progressive explanation derive from the tacit assumption that genocide is a self-evident concept. This assumption neglects the fact that concepts never exist in a vacuum. Rather, they are a set of historical references and practices of articulation that change over time. I refer to the assumption that genocide is a self-evident concept that can be objectively defined as ‘the normative understanding of genocide.’ The normative understanding of genocide is not a single definition of the concept, but a form of discursive practice that presumes that the concept of genocide may be defined by more or less objective criteria, has stable political implications, and can be used to differentiate and compare episodes of human misery.<sup>52</sup> Some features of the normative understanding of genocide include an assumption that the production of knowledge about genocide happens in a neutral fashion, that invocations of genocide ought to prompt specific forms of political action, and that genocide is subject to precise definition, categorization, systematization and application. I argue that the normative understanding reproduces dominant forms of power by conceptualizing genocide in

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<sup>52</sup> Throughout this work, I use the frame of the ‘normative understanding’ to refer to a discursive practice. However, the normative understanding itself contains many motifs and refrains some of which undermine or problematize the discourse. As such, the normative understanding is less an explicit agenda, although some scholars of genocide work expressly to craft normative accounts, than an emergent feature of the way genocide has been historically discussed. I refer to this as normative because of the elements brought folded into the practice of engaging genocide in this manner and not as an indictment of normative theory. Indeed, normative responses follow from virtually all uses of the concept of genocide, yet these do not necessarily constitute the normative understanding as I describe it here. Condemnation of indigenous genocide, for instance, violates some of the precepts of the normative understanding while still offering an ethical response to political violence. On the other hand, an account such as Ward Churchill’s work *A Little Matter of Genocide* does expressly reproduce a normative version of the concept even if it differs from the historically dominant way of interpreting the term. The normative understanding is thus about the recreation of a set of unreflective forms or modes of thinking genocide rather than an indictment of norms per se. See Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas 1492 to the Present* (San Francisco: City Lights Publishers, 2001).

hegemonic terms. In this way, the normative understanding transforms genocide into a concept demarcated by an unquestionable ‘common sense’ and a faith that the invocation of the concept will lead to a politics defined by ‘good sense’<sup>53</sup> The normative understanding appears in numerous forms in academic writing, court systems, histories, and activist movements. Unfortunately, the normative understanding also lends support to a mode of interventionist politics that I argue generates new problems for global politics. More importantly, the reproduction of ‘common sense’ and ‘good sense’ limits the intelligibility of the concept of genocide to specific episodes, forms, and modes of destruction and violence.

I am not the first one to identify the existence of the normative understanding of genocide. Indeed, many scholars in the emergent field of critical genocide studies have called attention to the normative deployment of the concept of genocide.<sup>54</sup> Dirk Moses, for instance, illustrates how the study of genocide paradigmatically appeals to the example of the Holocaust in order to advance a normative account of mass death.<sup>55</sup> Moses links this paradigm to the historical and disciplinary neglect of colonial and settler genocides. Christian Gerlach, in contrast, views genocide as a term tied to nationalist identity projects, which support conservative, exclusionary projects.<sup>56</sup> Gerlach’s research abandons the constraints of the term genocide for the broader, arguably more complex category of ‘extremely violent societies.’ Jacques Semelin similarly decides to focus on

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<sup>53</sup> On the dangers of ‘common sense’ and ‘good sense’ see Gilles Deleuze, *Difference and Repetition* (New York: Columbia University Press, 1994).

<sup>54</sup> Alexander Laban Hinton, “Critical Genocide Studies,” *Genocide Studies and Prevention* 7, no. 1 (April 1, 2012): 4–15; Dirk Moses, “Toward a Theory of Critical Genocide Studies,” Article, *Toward-a-Theory-of-Critical-Genocide-Studies*, (April 18, 2008), <http://www.massviolence.org/Toward-a-Theory-of-Critical-Genocide-Studies>.

<sup>55</sup> A.D. Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous Peoples and the Holocaust,” *Patterns of Prejudice* 36, no. 4 (October 1, 2002): 17-18.

<sup>56</sup> Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (Cambridge; New York: Cambridge University Press, 2010), 23-24.



‘massacre’ as a more concrete epistemological object than genocide while retaining genocide as a broader umbrella term.<sup>57</sup> According to Semelin, this provides scholars with greater flexibility because they avoid the onerous moral baggage linked to the concept of genocide. Martin Shaw likewise identifies genocide as an abstract idea without specific content and criticizes overtly deterministic interpretations of the concept.<sup>58</sup> Shaw draws attention to how the proliferation of new categories such as ‘ethnic cleansing’ or ‘ethnocide’ reflect a lack of engagement with the multiplicity of forms of violence potentially brought together by genocide.<sup>59</sup> In a slightly different vein, Scott Straus, David Moshman, and Ernesto Veredja have all called attention to the contestable or ambiguous nature of the concept of genocide.<sup>60</sup> However, these scholars make note of this contestable character in order to call for the creation of a clearer, more stable research agenda. In some respects, despite the critical engagement with the concept of genocide, the tendency of this scholarship is to reproduce aspects of the normative understanding of genocide by calling either for a refinement of genocide as an epistemic object or for the moral sanctity of the concept in contemporary politics. In this respect, critical genocide studies opt to indict a particular understanding or definition of genocide rather than the broader discursive practice (which includes numerous possible definitions of genocide) that I call the normative understanding. By analyzing this larger ensemble of statements and forces surrounding genocide, this project not only shows the limits of

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<sup>57</sup> Jacques Semelin, *Purify and Destroy: The Political Uses of Massacre and Genocide*, trans. Cynthia Schoch (New York: Columbia University Press, 2009), 310-324.

<sup>58</sup> Martin Shaw, *Genocide and International Relations: Changing Patterns in the Transitions of the Late Modern World*, 1 edition (New York: Cambridge University Press, 2013), 7-9.

<sup>59</sup> Martin Shaw, *What Is Genocide?* (Cambridge Malden, Mass: Polity, 2007), 42-45.

<sup>60</sup> Ernesto Veredja, “The Political Science of Genocide: Outlines of an Emerging Research Agenda,” *Perspectives on Politics* 10, no. 02 (June 2012): 307–21; David Moshman, “Conceptual Constraints on Thinking about Genocide,” *Journal of Genocide Research* 3, no. 3 (November 2001): 431–50; Scott Straus, “Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide,” *Journal of Genocide Research* 3, no. 3 (November 1, 2001): 349–75.

specific definitions of genocide, but the force competing conceptions of genocide have in a broader political field. Put differently, the value of this project is that it treats the normative understanding less as a regulatory concept, which describes the limits of genocide and more a disparate, yet recently emergent practice with productive effects in a variety of social contexts. Indeed, in some respects the focus on the limits of the UNGC definition of genocide or an imagined ‘standard’ definition reflects an unwillingness to take seriously the multiple invocations of genocide already at work within political discourse.

Fortunately, there is a long history within academic, legal, and popular contexts of experimenting with the concept of genocide in novel fashions, of plugging the concept into distinct circumstances or linking genocide with different problems. I call this series of alternative invocations of genocide the ‘minor’ tradition. By ‘minor’ I refer to invocations of the concept that do not consider the term self-evident or rely on normative judgments regarding the proper use of the term.<sup>61</sup> The minor tradition twists, stretches, experiments, and deploys the concept of genocide in new ways. The minor is quintessentially inventive and, unlike the normative understanding, does not attempt to systematize the concept. As such, no stable set of criteria describes the exact parameters of the minor tradition. Instead, the minor tradition involves a disparate set of the battles, contestations, and conflicts over the term, attempts to apply the concept to new groups or forms of destruction, and to use ‘genocide’ to expand the limits of political intelligibility.

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<sup>61</sup> This is not to suggest that minor traditions are numerically or inherently inferior to the normative understanding. Rather, the minor tradition reflects a pluralist set of invocations that make no reference to political dominance. In contrast with the normative or majoritarian understanding of genocide that presumes a certain privileged position and installs itself as the authoritative account of genocide. Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (Minneapolis: University of Minnesota Press, 1983): 144.

The minor tradition exposes how the normative understanding of genocide relies on a problematic, often exclusionary deployment of the concept. It highlights the contingent and problematic nature of the concept genocide as well as the practical consequences it has for politics. In the worst case, the normative understanding of genocide intersects with forms of social abandonment that aggravate the deprivation and destruction of forms of life not considered worthy of being subject to ‘genocide,’ a determination that the ‘minor’ tradition calls into question. The minor traditional also stresses to the ways in which the normative understanding of genocide has transformed the discourse of genocide into a tool for crafting new forms of exclusionary proto-nationalist identity that fuse collective injury to territorial rights.<sup>62</sup> Investigating the emergence of the concept of genocide, the forms of attachment it creates to structures of political thought and practice, is thus all the more important because even the most noble aspirations regarding the prevention of genocide may foreclose political alternatives and deepen inequity.

At the outset, I want to reiterate that the normative understanding of genocide is not a single definition of genocide, but a type of practice that subscribes to the self-evidence of genocide and predicates politics on this understanding. As I previously argued, a diversity of ‘normative understandings’ of the concept exist and they emphasize different historical events, variables, and behavioral theories.<sup>63</sup> Nonetheless, this diversity is founded upon a belief in the self-evidence of genocide that bypasses any explanation for how and why the concept circulates or any need to inquire about the productive effects of

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<sup>62</sup> Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (Cambridge; New York: Cambridge University Press, 2010): 23-24.

<sup>63</sup> In some respects, the normative understanding marks the moment when genocide became an object of knowledge in social science and humanities and, as such, became subject to a new series of epistemological interventions. Nonetheless, genocide is a strange object even when read in this context because it contains a certain combination of moral urgency and epistemic indeterminacy that make the call to normative judgment more potent.

this discourse. The general project of this dissertation is to examine the concept of genocide with more care, relaxing the normative impulse, in order to explore how the concept forms relations over time and see how these relations implicate contemporary politics.

But why would such an analysis be valuable? Particularly one that admits messiness, conflicts, and complexities or focuses more on the imitative replication or reproduction of a concept rather than the graphic and horrifying events it describes. At first glance, the sheer moral significance of an event like genocide, ‘the crime of crimes,’ seems to outweigh any quibbling over the definition of the concept. Furthermore, isn’t a stable definition of the concept essential for international litigation or social scientific enterprise? These are important questions, but they start from the assumption that the concept of genocide already has a relatively stable meaning.<sup>64</sup> This assumption, which derives in part from the existence of the UNGC, has several problems. First, the concept of genocide’s evolution in formal disputes has been a nearly continuous part of its development, even after the ratification of the UNGC, as scholars and international courts continue to rework the term and apply it to different circumstances. The heated debate over the inclusion of ‘cultural genocide’ in the UNGC attests to the significance of these kinds of conflicts.<sup>65</sup> Second, beyond this explicitly legal setting, genocide has undergone a process of mutation as it has detached from one context and connected with others. This less formal process of conceptual evolution forms an equally important if neglected part of the story of how genocide became an important political concept. Third, this assumption presumes that language remains constant across disparate circumstances. In

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<sup>64</sup> A.D. Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous Peoples and the Holocaust,” *Patterns of Prejudice* 36, no. 4 (October 1, 2002):12.

<sup>65</sup> *Ibid*, 23-24.

this sense, it assumes that genocide operates as a kind of ideal-type language when the concept actually emerges in disparate and heterogeneous forms. Taking genocide as a term to describe mass atrocity thus accounts for only one subset of the disparate places genocide appears in political life.

Indeed, in both formal and informal contexts, the concept of genocide retains a definite element of ambiguity that has practical consequences for the negotiation of the politics of genocide. For instance, consider the application of the label 'genocide' to a political event. Numerous examples in the past two decades suggest that this is an incredibly fraught process. From the Clinton administration's systematic unwillingness to use the term in response to the killings in Rwanda, to the Bush administration's declaration of the genocide in Darfur (a designation later called into question by the UN's Commission of Inquiry), labeling has become an important, yet politically dubious exercise.<sup>66</sup> This ambiguity is multidimensional since it involves haziness about ongoing events, conceptual confusion about the semantic content of genocide, and uncertainties regarding the performative force of the concept once invoked.<sup>67</sup> The ambiguity of genocide thus operates on several levels. In contrast, the normative understanding of genocide views the enunciation of genocide as a straightforward process where calling something genocide is simply stating 'the facts' and demands subsequent international intervention. This knee-jerk reaction neglects how political discourse amplifies the production of certain subjectivities, relations or domination. As examples such as the deployment of UN forces to Srebrenica indicate, the unintended consequences of

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<sup>66</sup> Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books*, March 8, 2007, 5-8.

<sup>67</sup> *Ibid*, 8.

humanitarian intervention can intensify hostilities or accelerate political violence.<sup>68</sup>

Moreover, if the normative understanding's 'objectivity' emerges from socially or historically encoded beliefs then a set of dominant assumptions influence any campaign to label an event as genocide so that an episode of violence becomes 'actionable' only when it conforms to a group of implicit presuppositions. This exclude *a priori* many forms of gratuitous social destruction, which do not resemble the normative understanding's vision of genocide. Furthermore, these presuppositions link our image of genocide to older, sometimes outdated conceptions of identity or political violence. As a result, the evolution of new techniques of violence, a process constantly underway, may outpace a stale, normative understanding that ties genocide to the past. For example, images of the Nazi genocide with its bureaucracy, ghettoization, and gas chambers generated a set of expectations about what genocide would look like that made it more difficult to see the budding potential for genocide in Rwanda despite the fact that Rwanda was later determined to be one of the fastest processes of mass killing in recorded history.<sup>69</sup> In this case, Eurocentric assumptions and development prejudices rendered claims regarding the veracity of violence in Rwanda less credible. The presuppositions surrounding the normative understanding of genocide foreclose a more complex picture of the genocide in question and make it difficult to see that the emergence of genocide is always already a multidimensional process.<sup>70</sup>

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<sup>68</sup> David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia*, 1 edition (Minneapolis, MN: University Of Minnesota Press, 1998): 31; Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006): 26.

<sup>69</sup> Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda*, 1st Edition (Washington, D.C: Brookings Institution Press, 2001): 24-26.

<sup>70</sup> For instance, focus on the gas chambers has overshadowed the prominence of mobile killing units and provided a 'telos' for the Nazi Genocide that makes historical work more difficult. For genocide as multiplicity see Donald Bloxham, *The Final Solution: A Genocide* (Oxford; New York: Oxford University Press, 2009): 38.

The normative understanding makes genocide actionable not only with respect to the present or future, but also in connection to the past. The importance of memorial politics, which takes the form of historical archives, personal testimonies, national museums, and international financial debts, have grown alongside the politics of genocide. While states have always safeguarded certain mytho-poetic narratives, genocide offers a new site of collective identification that narrates the historical relationship between state power and group identity.<sup>71</sup> Since genocide is often a retrospective determination, the concept plays a powerful role in reconstituting identity by offering a motif for understanding the past defined by unforgiveable pain or trauma and linking this pain to obligations in the present.<sup>72</sup> In this way, the normative understanding freezes the relationship between historical injury and political obligations by treating historical episodes of mass violence as morally superseding all other considerations. As a consequence, writing national (or global) history in the terms of genocide has become a popular exercise. This mnemonic practice often incubates new types of social exclusion by recasting the descendants of former *genocidaires* as pariahs unworthy of political consideration. The rapid transformation of ‘victims into killers’ demonstrates how the normative understanding of genocide can exacerbate rifts and antagonism thereby extending cycles of retribution by turning the past into a moral affront to the present.<sup>73</sup>

At the same time, genocide denial, buttressed by normative understandings of genocide that limit the concept to so-called ‘major genocides,’ works as a strategy for

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<sup>71</sup> Gerlach, *Extremely Violent Societies*, 26.

<sup>72</sup> David B. MacDonald, *Identity Politics in the Age of Genocide: The Holocaust and Historical Representation* (Routledge, 2007): 12-28.

<sup>73</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, N.J.: Princeton University Press, 2001): 24-28.

setting aside the political claims of indigenous, enslaved, and colonized peoples.<sup>74</sup> In this sense, the normative understanding, which proactively decries genocide, often remains silent about the ongoing relationship between historical genocides and the present. This illustrates how the normative understanding is caught up in the reproduction of political domination because the urgency of ‘remembering’ some episodes of genocide stands in stark contrast to the inertial forgetting of others. Indeed, these three practices: labeling contemporary events; intervening in genocide; and classifying the past, set the stage for a different mode of political conflict in both domestic and global contexts. In each case, the normative understanding restricts the conceptual evolution of genocide with problematic consequences. Exploring the concept of genocide in a broader assemblage is thus integral to thinking through this ‘turn to genocide.’

The resistance to thinking about genocide beyond the normative understanding is quite plain. Even genocide scholars who critique the definition offered by the UNGC remain inspired by the prospect of the normative understanding of genocide and the politics that follow.<sup>75</sup> The normative understanding is viewed as essential for identifying, prosecuting, and preventing genocide since any ambiguity regarding the term may open the door for grotesque manipulation. Others argue that preserving a restricted definition is necessary to avoid using the term inappropriately and depreciating ‘real episodes of

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<sup>74</sup> This refers to Manus Midlarsky’s work *The Killing Trap*, which sorts mass violence into ‘major’ and ‘minor’ genocides according to body count. The problems with Midlarsky’s approach are addressed in detail in chapter four.

<sup>75</sup> For examples of this tendency see Israel W. Charney, “Toward a Generic Definition of Genocide,” in *Genocide Conceptual and Historical Dimensions*, ed. George J. Andreopoulos (Philadelphia: University of Pennsylvania Press, 1994), 64–94; Helen Fein, “Genocide, Terror, Life Integrity and War Crimes: The Case for Discrimination,” in *Genocide Conceptual and Historical Dimensions*, ed. George J. Andreopoulos (Philadelphia: University of Pennsylvania Press, 1994), 95–108..



genocide.<sup>76</sup> However, both of these arguments rest on a historical fallacy that the concept of genocide has been relatively unchanged. Many scholars who make this argument leverage the force of law, but nonetheless highlight the considerable interpretive difficulties that the UNGC continues to pose.<sup>77</sup> We might refer to this as the ‘common sense’ appeal of the normative understanding.

In contrast, many scholars and activists also endorse the normative understanding out of a sense of moral urgency. Corey Robin’s provides an excellent summary of this moral sentiment:

“It threatens something too vital, too fundamental. It puts at risk one of the 20<sup>th</sup> century’s most precarious moral ideas: the notion that despite no longer having an objective or shared foundation for our sense of what is good or right or just, we do know what is evil. And because we know that, because there is no dispute that genocide is not merely evil but the ultimate evil—the *summum malum*, as the political theorist Judith Shklar would have called it— we can build our politics and our morals with some assurance that we are doing the right thing, or at least not the wrong thing.”<sup>78</sup>

What Robin captures is the lingering sense that the normative understanding serves as a kind of last resort or final foundation for contemporary political life. We might refer to this as the ‘good sense’ appeal of the normative understanding. Here too, the historical variation of the concept of genocide calls into question the apparent moral clarity provided by the concept. More importantly, using the normative understanding of genocide as a kind of new foundation for political life raises the question of how the form and content of the normative understanding subsequently shape political subjectivity,

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<sup>76</sup> This argument exposes the ultimate problem with the normative understanding of genocide. By taking the intelligibility of genocide for granted it pre-emptively dismisses ‘other events’ as non-genocide while obscuring the fact that this decision constitutes a political act rather than a settled fact. In doing so, it hides the conflict by pretending it isn’t taking place.

<sup>77</sup> This contests the dominant reading done by the normative understanding in which the Genocide Convention immediately clarifies and crystalizes the term. See Schabas, *Genocide in International Law*, 32.

<sup>78</sup> Robin’s piece engages recent indictments of Hannah Arendt’s thesis on the banality of evil, which similarly questions the set of moral commitments and judgments allegedly at work in contemporary politics. Nonetheless, Robin captures the moral sentiment underlying the normative understanding perfectly. Corey Robin, “The Trials of Hannah Arendt,” *The Nation*, May 12, 2015, <http://www.thenation.com/article/207217/trials-hannah-arendt#>.

desires, and expectations. Far from a bulwark against mass violence, the use of genocide as a foundation for politics, as the final chapter explores in great detail, reflects a cynical or nihilistic development within contemporary politics where the call to protect values paradoxically arises from their failure. This cynical or nihilist reaction tends to view genocide exclusively as a thematic of universal tragedy and ignores the multiplicity of efforts to deploy the concept of genocide to contest inequities and politicize conditions of misery. In short, the nihilist reaction disregards the emergence of *genocide as a concept with a capacity for affirmation*.<sup>79</sup>

Indeed, if the history of the concept were examined with greater scrutiny, scholars might discover that since the 1940s genocide has appeared in numerous civic struggles, books, myths, courtrooms, pamphlets, museums, movements, artworks, fantasies, and military campaigns. These plural invocations of the concept problematize the normative understanding's development of genocide as a reference to only a few episodes of mass violence that primarily took place in Nazi Europe, the Ottoman Empire, and Rwanda. They point to the possibility for alternative styles of thinking and engaging genocide and, as a consequence, different potentials for political life. These plural invocations of genocide pose a threat to advocates of the normative understanding because they destabilize the discursive, epistemological, and moral hegemony of the concept. Consequently, the normative understanding works to police the boundaries of the

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<sup>79</sup> This is not to suggest that the horrific violence of genocide is affirmable or valuable. The point is that in condemning this violence sometimes the multiplicity of modes or forms of condemnation gets overlooked. As the dissertation will explore, the criticism of mass violence sometimes entails the creation of silences about mass violence. The 'value' of rethinking the concept thus involves both criticizing the ethical catastrophe of events like the Nazi genocide while also not concealing multiple, creative, and important political experiments with the concept beyond the confines of the normative understanding.

concept, to regulate these ambiguities, and to prevent conceptual experimentation.<sup>80</sup> This exercise appears unproblematic because it is informed by a form of unspoken ‘sense’ that unconsciously guides the development of the normative understanding by making everyday observations about genocide seem natural, intuitive and generalizable. The plural invocations of genocide not only clutter the clarity and precision of this exercise, they also attest to other senses of genocide, senses that offer different values, different ways of considering the intelligibility and significance of an event.

However, the existence of plural invocations of genocide also provokes a further question: given this plurality, how did a normative understanding of genocide develop at all? I contend that the normative understanding reflects a set of dispositions about the legal definition of the concept of genocide (and the importance of law more generally), an unquestioning faith in the power of epistemological clarity and transcendent morality, and, lastly, an attempt to undermine the explosive implications that the concept of genocide has for the organization of global politics at the broadest levels. Indeed, perhaps above all else, the normative understanding constitutes genocide as a site for the development of new modes of political governance or control by delimiting the set of conditions under which we can claim that a grievous, destructive atrocity took place. In this regard, the normative understanding constitutes a biopolitical or thanatopolitical discourse that governs life by exerting control over the aesthetics of when a group’s life or death becomes significant. By doing so, the normative understanding resonates with a larger project of integrating episodes of mass death into a progressive story about the present, but also solidifying the control of this present. Unsurprisingly, advocates of the

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<sup>80</sup> It is important to recognize that even the effort to restrict or normalize the definition the understanding of genocide produces differences. Many ‘normative understandings’ differentiate genocide, but do not recognize this fact.

normative understanding frequently revert to a cynical refrain about the complexity, contingency, and uncertainty of social life and strive to eliminate these conditions in favor of a politics of immediate comprehension and intervention, a politics without conflict or dispute, a politics without politics.

### Overview of the Project

The basic purpose of this dissertation is to study the assemblage that produces, reiterates, and rearticulates the concept of genocide and flesh out the implications of this assemblage for contemporary politics. To do so, the dissertation explores the production of the concept of genocide as a form of knowledge in order to discover what Michel Foucault called the “*rules of formation*” that emerge for making statements about genocide.<sup>81</sup> In this regard, the project approaches concepts as more than flimsy human devices for representing the world and, instead, treats them as generative of political relations. In a sense, a concept is a machine composed of different constitutive parts and, just like a machine whose different levers or pulleys cooperatively enable it to perform a specific, a concept’s parts enable it to describe an event or formulate a problem.<sup>82</sup> These parts include schemata, relations to other references and ideas as well as modes of articulation, sounds, vocalizations, and spaces of articulation. The efficacy of a concept is bound up with the interaction of these parts. However, tracking these disparate components of the concept is a difficult task. To simplify the project, the dissertation examines a survey of three different parts or components of the concept genocide: the group, destruction, and intent. These parts consistently reappear as features of the

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<sup>81</sup> Michel Foucault, *The Archaeology of Knowledge* (New York: Vintage, 1982): 31-41.

<sup>82</sup> Gilles Deleuze and Felix Guattari, *What Is Philosophy?* (New York: Columbia University Press, 1996): 12-16.

articulation of genocide while varying in form, content, and relation to broader political context. While these parts are certainly not exhaustive of the concept genocide they nonetheless constitute critical dimensions of the concept, which appear in determinate, institutionalized, and normalized forms. Furthermore, it is the interaction between these different parts that I argue distinguishes genocide as a concept by rendering intelligible a new set of political problems.<sup>83</sup>

The different parts of the concept undergo historical change and variation. They interact in new ways, refer to novel events, and generate alternate aesthetics for expressing the concept. For example, the part of genocide dealing with ‘destruction’ transforms with the development of new tools of violence or shifts in the understanding of what constitutes ‘violence.’ The ongoing variation of the concept’s parts changes the articulation and significance of the concept. What individualizes a concept is thus an emergent property of the interaction of the parts. Following Gilles Deleuze and Felix Guattari, I refer to this emergent dimension of a concept as its ‘consistency.’<sup>84</sup> A concept’s consistency is not reducible to any part of the concept, but instead expresses a

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<sup>83</sup> Some readers may have the impression that by discussing the constitutive parts of the concept of genocide, I have already subscribed to a minimal version of the normative understanding. While this objection has some merit, I approach the concept in this manner in order to study its capacities rather than describe its essence or ideal form. In this regard, the dissertation discusses both normative and non-normative uses of the different parts of the concept. The value of thinking about these parts is not because they have a normative importance for the concept of genocide, but because each part has a set of capacities for linking up with other parts, ideas, or events. The interaction of the capacities of the parts of the concept enable the concept to do or say things that it otherwise could not. The interaction makes the concept singular. Different parts forge connection across and through concepts. The notion of the group, which appears as part of the concept genocide, also functions in relation to, for instance, the category of people. Substituting one notion of the group for another would thus change the capacities and articulation of the concept of genocide, but at the same time forge links between genocide and the notion of the people. Describing genocide as a series of constitutive parts involves an attempt to engage the differential, empirical, and coincidental, rather than organic, relationship between the parts of a concept. It is an attempt to think the mechanics of the concept as they change over time rather than drawing a judgment about their normative value.

<sup>84</sup> Ibid, 22.

sense regarding the existence of a problem that traverses different invocations of the concept. In the discipline of International Relations, for instance, ‘power’ is a concept characterized by consistency. Despite widespread disagreement over the definition or meaning of power, statements invoking the concept of ‘power’ mark a problem. The problem incites discourse, but also has an objective existence independent of any particular instance of this discourse. This is why problems endure in disciplinary history despite numerous attempts to resolve them. In the case of genocide, the interaction of the parts enables the concept to articulate a new kind of horrific event or problem. By making a problem intelligible, the concept enables the creation of new techniques, practices, and mechanisms of political activity. In this sense, a concept’s consistency is productive of a set of differential relationships that redistribute the social field and generate new forms of politics.

Concepts also have a kind of independent agency in political life. While a concept is a linguistic construction that survives by being continually reproduced as a set of sounds, utterances, and expressions, a concept also touches upon concrete events in a mind-independent world. The concept is thus always synthetic: forging connections between expression and the world. The interaction between the linguistic and extra or pre-linguistic aspects of the concept is a dimension of concepts, which I, following Gilles Deleuze, refer to as ‘sense.’<sup>85</sup> Sense is not a term for a specific faculty such as sight, sound or proprioception. Rather, sense refers to the formation of intelligibility. Sense produces the conditions for the articulation of discourse by linking together a series of heterogeneous elements. It is the genetic element underlying the emergence of

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<sup>85</sup> Gilles Deleuze, *The Logic of Sense*, ed. Constantin V. Boundas, trans. Mark Lester and Charles Stivale, Reprint edition (New York: Columbia University Press, 1990): 28-35.

consistency.<sup>86</sup> In the case of concepts, sense does the work of entering the different parts of the concept into connection with one another. This process occurs beneath the thresholds of consciousness by linking disparate elements, series or themes together. Indeed, there is nothing natural about connecting notions such as ‘destruction’ and ‘groups’ to one another, but sense links these elements in order to express a problem. These links develop as a product of a series of contingent encounters and slowly mold into intelligible forms that can later be institutionalized or normalized. For instance, Lemkin’s development of genocide, which links together groups, destruction, and desire, emerges from a transformation in sense connected to his discovery of a certain disparity or dissonance in the juridico-political order. In particular, Lemkin articulates a sense of disjunction between the fact that a person could legally be held accountable for the murder of a single person, but not for the murder of a group. The formation of the problem hinges on the intelligibility of this disparity, a sense of the law’s capacity to punish at one scale, but not at another. This disparity led Lemkin to a sense of law and social order being ‘out-of-joint’ and experiment with entering different social phenomena into communication with one another. Certainly, the articulation of this problem responds to an event, in this case the atrocities in Armenian, but concepts also facilitate the formulation of this event into a political problem.<sup>87</sup> The politics of concepts thus hinges on the effort to institute an exclusive sense as ‘natural,’ by setting the terms and

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<sup>86</sup> Sense is a presupposition of language. Signification, denotation, and representation hinge on a condition of sense that makes them functional. Hearing someone speak in a foreign language you do not understand is a good way of pointing out sense since you cannot understand the meaning or significance of someone’s words, but you do have a minimal awareness, a sense, of their language. While the domain of sense is not restricted purely to language, gestures, habits, perceptions, and affects all hinge on the work of sense, it provides one of the clearest indications of where the genesis of sense shapes human relations. The intelligibility of a word or phrase, for instance, depends exclusively on the sense of its utterance. Deprived of the conditions of sense, a statement becomes non-sense and loses political charge. Ibid, 14-7.

<sup>87</sup> It is important to note Lemkin realized this problem prior to actually coining the term genocide. Sense, in this case, underlies the formation of political and moral reactions to mass violence.

conditions of political discourse.

The focus on sense further complicates this study in two ways. First, as a product of a contingent encounter, the creation of sense involves an unaccountable dimension. Abrupt swerves, shifts, and transitions in the logic of sense and the significance of concepts are therefore inevitable and important in any history of a concept. Yet, these changes often elude simple explanation. Sometimes what now appears as nonsense was at one time sense and, at others, what appears sensible was utter nonsense. The fact that one regime of sense emerges from a prior period of non-sense means that the product, sense, does not resemble its conditions of possibility, nonsense. Practically, this means tracing the history of the concept has to attend to divergent senses rather than assuming a singular sense guides the concept to a better end. Second, sense is necessarily in a process of variation because it emerges in response to concrete changes in the world. The apprehension of these events by sense consequently concerns *how* events are given as much as *what* events are given. This demonstrates that the battle over different understandings of genocide cannot be reduced simply to a question of which groups are or are not recognized as subjects of genocide, but also at a deeper level to changes in the formation of political intelligibility over time. As a consequence, the normative understanding works not only to exclude some episodes of genocide from political discussion, but, more importantly, to institute an exclusive form of sense to register genocide in political experience.

Since transformations of sense emerge in the context of a larger political assemblage a linear account of these changes will not explain the birth or transformation of the politics of genocide. The survey of the concept of genocide offered by this



dissertation is thus driven by episodes and moments, discursive formations and structures of sense rather than linear history: it is inclusive of events, but also attends to changes in unarticulated perceptions. What this dissertation ultimately demonstrates is that the emergence of the concept of genocide responds to a horrific, destructive event that poses a new problem for politics and engendered a crisis of sense. Genocide, as a concept, formalizes this problem and expresses this sense. In contrast, the normative understanding of genocide freeze sense and, in doing so, exercises a power of decision on what forms of life count as politically valuable. Fortunately, the dissertation argues that the concept of genocide marks the invention of form of sense that break with these decisions by politicizing the emergence of new forms of destruction in global politics.

The dissertation proceeds in four chapters. The next three chapters each deal with a specific ‘part’ of the concept of genocide: the group, destruction, and desire. Each chapter examines different interpretations of genocide, from Lemkin’s creation to contemporary invocations, in order to try and discover how this part operates by linking together different ideas, histories, events, or motifs in the process of ‘making sense’ of genocide. The goal of each chapter is to peer into the process of how unarticulated presuppositions play a formative role in shaping scholarly and political enunciations of genocide. Each chapter likewise describes a series of problems that emerge from different invocations of the term and illustrates how these problems impact global governance, humanitarian intervention, and everyday political life. The final chapter addresses the politics of genocide more broadly. It describes the development of a cynical refrain structured by a nihilistic engagement with the concept of genocide. The chapter demonstrates how this refrain derives from a specific regime of sense. Using the work of

Gilles Deleuze, the chapter contends that this sense is still in an incipient form and can thus continue the work of challenging a particularly stale understanding of genocide. More specifically, it argues that the concept of genocide expresses a sense of political experience that is not merely tragic, but horrific, emphasizing the contingency and destructiveness of political entanglements. It explores the value of this sense of the horrific for engaging in global politics. As such, genocide constitutes a new motif for thinking through ethical receptivity in a world continually inventing new modes and processes of destruction.

The next chapter begins by discussing the ‘group’ part of genocide. It argues that the notion of the group distinguishes genocide as a specific type of crime. The chapter demonstrates how the importance of the group reflects a broader shift in political life to prioritize identity as a foundation for community. Moreover, the chapter reveals how different iterations of the notion of the group reproduce particular tropes of identity in order to ground their determination of the subject of genocide. The chapter thus opens with a discussion of Lemkin’s initial efforts to describe the notion of the group and his moves from the language of ‘social collective’ to ‘national minority.’ It illustrates how Lemkin’s notion of the group depends on an aesthetic regiment that views groups as contributing to world culture and discusses Lemkin’s efforts to ground group identity in terms of analogy. The chapter shifts from Lemkin’s work to the development of the UNGC and likewise tracks a change from analogous understanding of identity to an allegedly objective series of predicates of identity. This change, the chapter argues, comes with a series of restrictions designed to inoculate the great powers from their own policies of colonial and totalitarian domination. From there, the chapter moves to

contemporary efforts to think group identity as a form of social construction and as a statistical category. In each, the chapter discerns a reformulation of identity in terms of resemblance. The chapter summarizes the relationship between identity and genocide by isolating how the motif of identity delimits the set of groups who can invoke or claim status as a subject to genocide. The chapter concludes by describing on how these limits inform practices of contemporary humanitarian intervention and relief work.

The second chapter addresses the question of destruction. The chapter begins by discussing Lemkin's early writings on the relationship genocide, war, and homicide and his elaboration of different 'techniques of destruction.' These writings disclose Lemkin's penchant to think of destruction as a multifaceted process rather than a discrete or isolated act. The chapter compares these to several different drafts and the final text of the UNGC in order to describe the dramatic reduction in the number of acts considered constitutive of genocide. This reduction, the chapter argues, results from an attempt to insulate the set of biopolitical tools previously described by Lemkin from political scrutiny. The chapter thus describes how the text of the UNGC filtered into genocide research in the 1980s, 1990s, and 2000s in the form of the normative understanding, which typically thought of genocide as mass physical killing. The chapter argues that the normative understanding conceals a productive or germinal dimension of destruction, which Lemkin sought to describe with the concept of genocide. It also contrasts the normative understanding with the minor tradition, which redevelops notions like cultural or social destruction. The chapter concludes by illustrating how the productive dimension of destruction implicates the politics of genocide and how the normative understanding inadvertently renders invisible this emergent dimension of genocide.

The fourth chapter examines the notion of intent. In particular, the chapter focuses on how the politics of genocide focuses on the construction of intent across different periods of genocide scholarship. Intent, the chapter contends, brings together a set of epistemological, causal, and moral relationships in order to define a subject of genocide. In the context of genocide, this chapter argues intent establishes a mechanism for supporting the designation of crime, but it also elides the complexity of any event of genocide. As a consequence, the concept of genocide gets connected to specific leaders, mad men, lunatics, or dictators who unilaterally exterminate entire populations rather than the transformation of political conditions of which these are contingent actualizations. Like the previous chapters, Lemkin's work on the nature of 'planning' offers a starting point for describing the work of intent. His theories are compared with the subsequent development of the UNGC and later normative schemas of intent and intentionality. More broadly, the chapter engages how the normative understanding facilitates a recent transformation in the politics of genocide from an interest in *preventing* genocide to *preempting* genocide. This agenda, in turn, supports a new series of security and governance practices such as the Responsibility to Protect (R2P) with indeterminate consequences on global politics. The chapter concludes by showing how genocide functions to produce new forms of global governance and security politics.

The final chapter of the dissertation describes the cynicism and passive nihilism of the politics of genocide, which structure many aspects of the contemporary responses to mass atrocity. The chapter contends that the cynical dimensions of the political of genocide derive from a specific structure of sense, which imparts value and significance to political relations. The chapter turns to Gilles Deleuze's work *The Logic of Sense* in

order to describe the formation of sense and the way in which sense constitutes the intelligibility of events. Drawing from this account, the chapter links Lemkin's development of the term to the emergence of a novel-sense event. Genocide, the chapter argues, hails this event as well as its horrific capacities to transform social and political relations into a site of their unmaking. In this regard, the chapter views horror as a sense constitutive of genocide. Read in this light, the normative understanding works to disavow and secure the sense of horror linked to genocide. However, by doing so the normative understanding strips the event of its productive dimensions and, inadvertently, sealing its own failures to generate a new form of politics. This failure, the chapter laments, explains the perpetual difficulty the normative understanding confronts in the problem of mass violence. In contrast, the chapter argues the sense of horror at work should serve as a call for the invention of new forms of political experience and caution regarding the most basic of political categories. In the context of genocide, it argues, this would involve an openness to the potential for genocide to actualize in previously unforeseen ways and, in some respects, to view this as a vital part of the architecture of any biopolitical or thanatopolitical condition. The chapter concludes by illustrating how this shift in sense would change the intelligibility of genocide in the context of climate change, planetary urbanization, and the industrial production of meat.

### Genocide and International Relations

Before continuing it is important to ask what the value of this project is for the study of international politics especially because of the marginal life genocide has had as a topic in International Relations. Many of the scholarly 'precursors' to International

Relations, from Machiavelli and Kant to E.H. Carr and Hans Morgenthau, commented on the dangerous implications of horrific political violence long before the creation of the concept of genocide. In chapter VIII of *The Prince*, for example, Machiavelli warns about the dangers of treachery and cruelty and argues against including men who commit such deeds in the canon of exceptional princes.<sup>88</sup> Similarly, in his elaboration of the perpetual peace, Kant indicts the disturbing developments of “wars of extermination,” which unsettle the prospect of cosmopolitanism and republicanism to the core.<sup>89</sup> Still more recently, Hans Morgenthau critiqued the appearance of ‘technologically dehumanized’ warfare. In one edition of *Politics Among Nations*, Morgenthau writes that war was becoming a fight for “a ‘way of life,’ and “the distinctions between fighting and disabled soldiers, combatants and civilians-if they are not eliminated altogether- [will be] subordinated to the one distinction that really matters: the distinction between the representatives of the right and the wrong philosophy and ‘way of life.’”<sup>90</sup> Morgenthau felt the growth of this form of war “was bound to be morally dehumanized” and to expand indefinitely.<sup>91</sup> While all of these thinkers wrote prior to the popularization of the concept of genocide, they each maintained a sense of concern about the potential for violence to affect populations in horrific ways.

The turn to structural accounts of the international system appears to break with this trend. By establishing an epistemology predicated on a strict separation of ‘domestic’ and ‘international’ systems, structuralism introduced a criterion hypothetically capable of

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<sup>88</sup> Niccolo Machiavelli, *Machiavelli: The Prince*, ed. Quentin Skinner and Russell Price (Cambridge ; New York: Cambridge University Press, 1988): 30-33.

<sup>89</sup> Immanuel Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis: Hackett Publishing Company, Inc., 1983): 110.

<sup>90</sup> Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fifth Edition (New York: Alfred A Knopf, 1973): 240.

<sup>91</sup> *Ibid*, 240.

discriminating between different types of state activity. The consequence of this development was that the general possibility of war, as conflict between autonomous sovereign states, became the purview of International Relations and other forms of state activity became domestic matters. In fact, Kenneth Waltz explicitly used the purges of Hitler, Stalin, and the Khmer Rouge to exemplify the importance of this disciplinary separation. In a late piece, Waltz writes: “Stalin’s purges eliminated five million Russians, and Hitler exterminated six million Jews...we easily lose sight of the fact that struggles to achieve and maintain power, to establish order, and to contrive a kind of justice within states, may be bloodier than the wars among them.” However, Waltz continues “the use of force, or the constant fear of its use, *is not sufficient grounds for distinguishing international from domestic affairs....*the difference between national and international politics lies not in the use of force but in the *different modes of organization for doing something about it.*”<sup>92</sup> Here, Waltz admits the gruesome nature of these affairs, but insists on an essential difference between domestic conflict, which can appeal to a legitimate and lasting authority and the ‘self-help’ international system that has no ultimate authority. The different modes of organization establish the boundary between the domestic and international and allegedly require separate forms of inquiry.<sup>93</sup>

While criticizing Waltz has itself become a fashionable disciplinary practice, his discussion here reveals the limits of traditional International Relations as it relates to genocide. Crafting a strict epistemological separation between the domestic and international arenas makes it more difficult to consider how these domains implicate one another. With respect to genocide more specifically, Waltz’s argument rests on what

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<sup>92</sup> Kenneth N. Waltz, “Anarchic Orders and Balances of Power,” ed. Robert O. Keohane (New York: Columbia University Press, 1986): 99, my emphasis.

<sup>93</sup> Ibid, 99.

Martin Shaw has aptly highlighted as the fallacy of the domestic-international distinction.<sup>94</sup> The problem with the domestic fallacy is that it offers an impoverished account of what constitutes and separates the domestic and international spheres. The fallacy ignores how virtually all episodes of historical genocide involve the imbrications of both, how they develop within a global context, what role they play in empire and nation building projects, their relationship with war, and, more importantly, how they involve complex associations of foreignness, difference, and danger.<sup>95</sup> This is to say nothing of the complexities of an event like the Atlantic Slave Trade, in which genocide becomes a principle form of interstate economic activity or the conquest of the Americas where the communities destroyed are discounted from Waltz's ontology. Moreover, the realist insight that states fail to act on genocide out of self-interest and the irrelevance of morality in power politics overlooks the ways in which genocide emerges as a practice of political domination.<sup>96</sup>

The neglect of genocide extends well beyond structural realism. Liberal accounts of international politics, while emphasizing the growth of trade, regime development, and international cooperation, tend to adopt a progressive account of institutions based on their repudiation of genocide and other human rights violation. This engagement, which emphasizes the transformative efficacy of liberal institutions, offers little commentary on genocide itself and reproduces many of the aspects the progressive history that were discussed at the beginning of this chapter. More importantly, liberal commentary on

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<sup>94</sup> Martin Shaw, "From Comparative to International Genocide Studies: The International Production of Genocide in 20th-Century Europe," *European Journal of International Relations* 18, no. 4 (December 1, 2012): 656.

<sup>95</sup> Alexander Laban Hinton, "The Dark Side of Modernity: Toward an Anthropology of Genocide," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton (Berkeley: University of California Press, 2002): 8-10.

<sup>96</sup> See Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians*, 1 edition (Oxford: Oxford University Press, 2007).



genocide rests on two myths. First, it treats liberal institutions as historically based in the condemnation of the Nazi experience when, in fact, genocide and crimes against humanity were secondary if not peripheral considerations for the Allies in the period of postwar institutional development.<sup>97</sup> The liberal legacy of opposing genocide is thus a contemporary discourse on liberalism as opposed to something there from the beginning. Second, liberal accounts overemphasize the attractiveness of humanitarian ideals and ignore the relations of power that make concepts attractive in the first place. Thus, while some liberal IR theory discusses genocide it tends to do so as part of a larger story of the strengthening of the international system in order to emphasize how we have overcome or will overcome genocide.<sup>98</sup> Even constructivist accounts that treat language, ideology, and identity as determinants of international politics tend to reduce genocide to a kind of perversion of the growth of international norms and identity.

This dissertation, in contrast, argues that IR offers an excellent point for exploring the political work of the concept of genocide. First, the creation of the concept of genocide and the popularization of this concept occurs in a global context and in reference to the elaboration of distinct political imaginaries and global governance agendas. In addition, the history of international institutions, non-governmental organizations, and humanitarian organizations in the twentieth century invariably evolved in relationship to this concept. The remaking of the international as a moral arena in the late 1970s, in particular, entails a rediscovery of genocide as a political problem in connection the outbreak of mass killing in Cambodia, East Pakistan/Bangladesh, and

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<sup>97</sup> Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009): 20-24.

<sup>98</sup> Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century,'" 23-24.

Uganda.<sup>99</sup> In tandem with the outrage over the Vietnam War and the Nixon scandal, these episodes animated a search for a moral framework for foreign policy that found sustenance in anti-genocide discourse. At the same time, the emergence of Holocaust consciousness in the US somewhat separately became a backdrop of American foreign policy and was closely entangled with the popular understanding of genocide. In this setting, genocide was folded into the broader human rights agenda as part of a uniform effort to introduce a new normative framework for global politics.<sup>100</sup> The reemergence of the rubric of genocide in the 1970s thus needs to be situated in broader changes in the conceptualization of ethics as a guiding principle of international politics.

Second, the phenomena described by the concept of genocide have always contained an international or global dimension. Genocide invariably involves questions of bounding practices, power, encounters, and state or empire building. From the colonial genocides of the Herero and Nama, to the more contemporary genocide in Cambodia, global pressure and identity politics play a powerful role in both the framing and actualization of these events.<sup>101</sup> Even traditional questions of realist power politics have been explored as developing a ‘great game’ of genocide between competing powers that mimic and replicate one another’s population control policies.<sup>102</sup> International politics is thus uniquely suited to think about different dimensions of genocide, which are easily overlooked in a focus on single states or episodes. Moreover, the emergence of the Responsibility to Protect (R2P), which underscores the importance of the UNGC in

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<sup>99</sup> Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2012): 2-7; Peter Novick, *The Holocaust in American Life* (Boston: Mariner Books, 2000): 100-101.

<sup>100</sup> Moyn, *The Last Utopia*, 20-24.

<sup>101</sup> Mark Levene, *Genocide in the Age of the Nation State: Volume 1: The Meaning of Genocide* (London ; New York, NY: I. B. Tauris, 2008): 3-4.

<sup>102</sup> Bloxham, *The Great Game of Genocide*.

contemporary international law, also suggests genocide has a newfound importance in global governance.

Third, the emergence of the concept of genocide has shaped not only political discourse, but also political subjectivity. The identities and obligations of numerous states are now connected to the history of genocide. Great experiments in forging new political relationships, discussion, and statecraft have appeared in response to genocide. If nothing else the power of this concept to remake the relationship between peoples and history, to reframe the terms of political life, testifies to a new element of global politics worthy of investigation not only as a terrain for conflict, but as symptomatic of deep transformations in the articulation of political desire. If so then determinations of genocide are not neutral acts, but caught up in a process of deciding when political conflicts can and should to take place. What forms of life may be considered valuable or defensible. In this sense, the concept of genocide not only connects us to an intimate aspect of our identities grounded in historical injury, but also constitutes a battleground over the intelligibility and significance of cruelty and death as well as their implications for whatever politics are to come.

## Chapter 2: Groups

This chapter discusses what I refer to as the ‘groups’ part of the concept of genocide.<sup>103</sup> From Raphael Lemkin’s first efforts at formulating the concept, to the creation of the UNGC at the San Francisco Conference in 1945, to contemporary debates over the classification of the killing in Darfur, the concept of genocide consistently emerges in relation to a notion of the ‘group.’ Consequently, the struggle over what groups can be or have been subject to genocide is one of the most visible sources of conflict surrounding the concept. Over time, different interpretations of the concept have offered distinct standards, criteria, or rubrics for determining when, where, and what groups can be recognized as subject to genocide. This chapter explores two dimensions of the group part of the concept. First, it analyzes how the notion of the group became historically consolidated in the normative understanding of genocide. Second, it investigates what investments, political and otherwise, are at stake in thinking of genocide as a crime of groups. In general, this chapter argues that the turn to groups reflects a broader turn to ground politics in terms of static identity. Unfortunately, this development, the chapter argues, depoliticizes genocide and reifies structures of power in ways that have severe implications for genocide response and redress efforts.

Indeed, the creation of the normative understanding of genocide entails placing specific limits on the concept. These limits allegedly safeguard the sanctity of the concept, giving it proper form and substance, and ensure that any determination of

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<sup>103</sup> This immediately raises the question of why I labeled the part of the concept ‘groups’ as opposed to ‘communities,’ ‘organization,’ ‘polities,’ ‘collectives’ or any of the other terms used to describe organization. The short answer is that many of these terms could substitute for ‘groups,’ but historically have been less dominant in discussing genocide. More importantly, switching the word matters less than the interaction of this word’s function with other parts of the concept. I am not interested in the property or essential attribute of any particular name for an idea than in the relations this forms with other aspects of genocide.

genocide triggers immediate political intervention. However, the practice of enumerating these limits also entails excluding specific groups, and the relations that constitute them, from the concept. The determination of what groups may legitimately be represented (or represent themselves) as subject to genocide is thus part and parcel of determining what forms of life register as politically valuable. These limits not only structure the concept of genocide by linking it to explicit characteristics or attributes of a group, such as its racial or religious identity, but also involve ‘implicit presuppositions’ that determine the *form* and *significance* of groups *a priori*.<sup>104</sup> This chapter illustrates how these rules and implicit presuppositions develop historically through different iterations of the discourse on genocide. In doing so, it exposes the limits of the normative understanding of the group and demonstrates the implications of these limits for the politics of genocide.<sup>105</sup>

While genocide scholars have long identified the disadvantages of an unlimited definition of genocide with respect to the group,<sup>106</sup> they often fail to interrogate the problems associated with forming a finite conception of the group. This failure is understandable because many genocide scholars require a normative definition of the group to differentiate criteria, select cases, set up hypothesis, or test causal variables. However, genocide scholars often ignore to examine how this scholarly practice also constitutes a small, but powerful decision on the importance of certain forms of group life. While the force of such a decision rarely affects macropolitics, it frequently folds

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<sup>104</sup> Foucault, *The Archaeology of Knowledge*, 39; Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, 79.

<sup>105</sup> It is important to note that there are two questions involved in this debate. First, historically, a question of what broad categories such as race, ethnicity or class appear in the definition of genocide. Second, a question of whether a particular group fits within this identity category. Some calls to contest or rearticulate genocide fall into the former while others fall into the later. As I remarked in the introduction, parts exists in relationship to other concepts from which they are often indissociable- this provides a perfect example of that predicament.

<sup>106</sup> Scott Straus, “Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide,” *Journal of Genocide Research* 3, no. 3 (November 1, 2001): 359.

problematic assumptions about social life into the study of genocide. Questions regarding the origin of the 'group' thus remain unthought within genocide studies and the politics of genocide more broadly. These include questions about why, historically, genocide became a crime of groups and how this history impacts contemporary images, representations, and narratives of genocide. It also includes the question of what about the structure, nature, or function of groups distinguishes their destruction as being worthy of a distinct conceptual category. Put differently, the incitement to discourse in terms of groups and forms of knowledge and desire underlying the commitment to group identity. The chapter demonstrates how the concept of genocide operates as a mechanism of knowledge in a complex system that justifies a sovereign decision on the legitimacy, coherence and content of group life and, in doing so, determines what forms of life are politically valuable. The chapter thus argues that the turn to identity results from a desire to render acts of mass violence intelligible and governable thereby disavowing the unruliness and complexity of destructive events. However, this insistence on identity produces certain paradoxes because the logic of identity, with its emphasis on the permanent character of the group, clashes with the possibility introduced by the concept of genocide that groups are fundamentally historical, fragile, and subject to disappearance. This tension, the chapter argues, conditions contemporary responses to genocide and poses a significant limit to any scholarly effort to predetermine the meaning of this concept.

This chapter addresses these issues in five sections. The first section offers the historical examples of the Sudan, Democratic Republic of the Congo and Rwanda in order to illustrate the consequences of the normative understanding of genocide. In

particular, the section demonstrates how a restricted notion of the group produces inconsistencies in the global response to mass violence and organizes humanitarian spaces in an exclusionary manner. The second section begins to unfold the discursive history of the group by examining Raphael Lemkin's theory of the 'collective' or 'national minority.' This section argues that Lemkin's vision of the group emerged through his engagement with cultural theories of minority life in early 20<sup>th</sup> century Poland as well as his extensive historical reading. Despite these influences, Lemkin's construction of the group is highly original. Far from adopting an essentialist vision of identity, Lemkin thought of groups as unique entities with distinctive contribution of groups to world culture. Lemkin's notion of the group is thus surprisingly open and porous in contrast to later accounts of genocide. Nonetheless, Lemkin directly links his notion of the group to a set of normative assertions about identity. In doing so, Lemkin's writings simultaneously lay the groundwork for and challenge the normative understanding of the group. The third section traces the changes in the articulation of the group from Lemkin to the UNGC. In an abrupt rewriting of the concept, this section argues the UNGC replaced Lemkin's theory with a set of static categories of identity (race, religion, ethnicity, and nationality) that predetermined what groups could be subject to genocide. These categories rendered genocide a non-issue amongst the great powers by effectively granting them (and many other states) legal impunity from prosecution on the basis of genocide. The UNGC also directly linked genocide to specific identity-based crimes of the past. In a sense, the UNGC constructed genocide in order to ground judgments about the past rather than enable prosecutions of mass violence in the future. In this regard, the notion of the group at work in the UNGC is, to an extent, self-

sabotaging. The fourth section addresses two different scholarly responses to the deficits of the UNGC's approach to the group. One approach uses the social construction of identity to rethink the group while the other turns to broad statistical aggregates to avoid essentialist categories. However, in each case, the reconstruction of the group introduces a new set of static identity categories in order to determine what groups are subject to genocide. As a result, these responses, which claim to improve on the UNGC's definition, reify exclusive forms of group identity in order to describe genocide. The fifth section investigates the consistent relationship between the normative understanding of the group and exclusive conceptions of identity in the politics of genocide. It argues that the focus on the group distinguishes the concept of genocide as a new form of crime that is distinct from other concepts, but does so only by freezing the relationship between identity and history. This creates a problem since a static conception of group identity, which tends to think identity as ideal, eternal and permanent, stands in tension with the historical nature of the crime of genocide, which admits the possibility of a group's destruction or disappearance. As a result, the politics of genocide builds a form of lateness into responses to mass violence. Moreover, forms of group life, which do not fit within the narrow categories of the normative understanding of genocide, are invariably excluded from the protections of the politics of genocide.

### Group Problems

At some level, everybody knows that genocide is a crime of groups. The Nazis targeted the Jews, the Ottomans destroyed the Armenians, the Hutus persecuted the Tutsis, and so on. Homicide, theft, and assault, like most crimes, target an autonomous



legal individual, but genocide is a crime against specific groups. Yet, this common sense understanding becomes problematic in everyday discourse and antigenocide practice. As I asked at the outset of this chapter, what about the destruction of a particular group makes it politically significant? Contrary to our dominant understanding, historians have demonstrated for decades that the most visible genocides often ignore group boundaries or destroy multiple groups. For instance, the Nazi Genocide, likely the most well known genocide, involved murdering communists, social democrats, dissenters, homosexuals, the mentally ill and other undesirables as well as European Jews.<sup>107</sup> The Ottoman persecution displaced critics of the Young Turks, Greek settlers, and other minorities. Hutu Nationals were quite willing to attack vulnerable Hutus and Twa alongside their Tutsi neighbors as well as clergy, relief workers, and Belgian peacekeepers. According to the normative understanding, genocide typically occurs when ethnic, racial, national or religious minorities are targeted by violence. But does the concept also extend to include peoples who exist in the liminal space between the self and the other, who get swept up in the destructive process of genocide, but do not fall within the identity categories that target a particular group? What happens if the enduring fiction that genocides destroy relatively homogenous group entities (and emerge from conflicts between such well-constituted entities) encounters a more complex historical account of the diversity of groups killed in a genocide? More pertinently, what happens when political interventions to stop genocide or rallying cries surrounding genocide treat genocide as a problem of

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<sup>107</sup> Although it is important to note that the Nazis internally differentiated Jewish communities as well. German Jews were purportedly more civilized than Polish Jews and so on indicating that internal differences were equally important as external identification with the Jews as an enemy in the creation the Nazi Final Solution.

clearly defined victim groups, united by a stable identity, and mobilize resources around this conception?

Consider the discrepancy identified by Mahmood Mamdani regarding the recent declaration of genocide in Darfur. Everybody knows the common narrative in Sudan. More or less, extremist Janjaweed militants, supported by the government with armaments, finances and training, targeted vulnerable minorities in Darfur, killing hundreds of thousands in pursuit of ethno-religious dominance. However, while distinguished members of the press, the Save Darfur Movement, and Colin Powell were denouncing the Sudanese government and enumerating charges against Sudanese president Omar al-Bashir another set of mass killings was occurring in the Democratic Republic of the Congo (DRC). As Mamdani puts it:

It's tempting to think that the advantage of Darfur lies in its being a small, faraway place where those who drive the War on Terror do not have a vested interests. That this is hardly the case is evident if one compares the American response to Darfur to its non-response to Congo even though the dimensions of the conflict in the Congo seem to give it a mega-Darfur quality: the numbers killed are estimated in the millions rather than the hundreds of thousands; the bulk of the killing, particularly in Kivu, is done by paramilitaries trained, organized and armed by neighboring governments; and the victims on both sides- Hema and Lendu- are framed in elective rather than individual terms, to the point that one influential version defines both as racial identities and the conflict between the two as a replay of the Rwandan genocide. Given all this, how does one explain the fact that the focus of the most widespread and ambitious humanitarian movement in the US is on Darfur and not on Kivu.<sup>108</sup>

The discrepancy Mamdani identifies between international reaction to Darfur and the DRC highlights one of the problematic consequences of the link between genocide and groups. In this case, Mamdani argues that the analogy between Darfur and the War on Terror in Iraq set in motion a group of orientalist prejudices and Western security practices that made the humanitarian agenda in Darfur an imperative. The conflict in Darfur, which was allegedly organized based on religious antagonism between Arabs and

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<sup>108</sup> Mamdani, "The Politics of Naming," 5-8.

Africans or Muslims and Christians, also chimed with the normative understanding of genocide since it conceptualizes identity in terms of static categories. Meanwhile, the ongoing killing in the DRC failed to resonate with the normative understanding of genocide. This non-recognition is partly a result of the multiplicity of groups involved in the conflict, which breaks with the dialectical nature of identity and conflict envisioned by the normative understanding. Simplifying a bit, we could say that the groups in Darfur were recognized as subjects of genocide and the groups in the Congo were not. This disparity results partly from the way the notion of the group operates in the politics of genocide and shapes international media and humanitarian sensibilities. The fact that the death totals in the DRC vastly exceeded those in Sudan, while not strictly determinate of genocide, indicates how important the construction of group identity is for mobilizing a response to genocide. Certainly, elements of this construction involve contemporary political factors, but the determination of what groups count as subject to genocide is of vital importance. As a result, the response to genocide is marked by the recognition or non-recognition of groups as subject to genocide.

However, the problems created by the normative understanding of groups don't end with the dilemma of international recognition and non-recognition. Rather, the link between genocide and the normative understanding of groups is productive of a set of procedures for intervening and stopping genocide. For instance, as has been well documented, the Rwandan genocide conformed to a narrative that scripted conflict in terms of protracted ethnic or racial conflict. The classical categories informing the UNGC and the normative understanding of genocide were thus at play in the discussions surrounding this event. These distinctions become productive in contexts such as refugee

aid and humanitarian relief. The victim/perpetrator opposition rests upon the notion of an ethnic minority being swept up in a destructive process, but it also supports an easy distinction or division for sorting the victims of genocide from their oppressors.

Normative forms of ethnic and racial identity thus combine with categories like victim and perpetrator in a form of common sense, which is then folded into the practices of humanitarian and relief organizations. The problem is that these categories rarely map with the complexities of mass violence where group identities, boundaries, and processes of violence not only blur boundaries, but actively rearticulate them. While deploying the motif of the normative understanding supports calls to *urgently* intervene, this amounts to a form of emergency politics that often fails to consider the complexity of the situation.

The combination of the normative understanding and common sense can be lethal. In the context of Rwanda in order to support the allegedly fleeing Tutsi populace, refugee camps were constructed along the borders of the DRC and Burundi in the aftermath (itself a problematic term) of the genocide. The normative understanding, subtended by the victim/perpetrator dichotomy, led to the widespread assumption that the populations fleeing Rwanda were Tutsi refugees escaping from Hutu Power. The refugee camps thus freely admitted incoming refugees as victims of the Hutu genocide. While many Tutsi's did attempt to leave Rwanda, a huge portion of the refugees were actually Hutus fleeing from the advance of the Rwandan Patriotic Front (RPF). The relief camps thus combined Hutu Nationalists and Tutsi populations. In many cases, the refugee camps actively supplied Hutu Nationalists with additional monetary and military support and essentially prolonged the genocide by turning relief camps into attractors for Tutsi victims. In this case, the *prima facie* determination of refugee status, buttressed by the normative

understanding of groups, led to the support of *genocidaires* and extended the killing process into the DRC.<sup>109</sup> This example illustrates how the question of the group concerns not only the problem of recognition or non-recognition, but how the structure of genocide as a crime of groups participates in the production of political response. While it would be easy to write this off as a simple error on the part of refugee organizations under duress, the conditions of possibility for this ‘error’ lies in the structure of the concept of genocide, which creates the possibility of thinking genocide as an antagonistic relationship between ethnically antagonistic perpetrators and victims. Understanding the development of this structure requires investigating the origins of the normative understanding of groups with respect to the concept of genocide. However, explicating these processes requires a fuller understanding of the notion of the group intersects and combines with the other parts of the concept of genocide.

### Lemkin’s Groups

In 1933, prior to his creation of the neologism genocide, Lemkin started to write about the protection of minority groups under international law. According to Lemkin, the existing system of Minority Treaties, which were designed around the notion of collective or national minority rights, had failed to adequately protect minority groups from state harassment. Lemkin tasked himself with finding a legal solution to this problem by developing new criminal categories to outlaw these practices. While Lemkin’s writings reflect early 20<sup>th</sup> century themes and motifs about social life, he exhibits a surprising porousness with respect to how he describes a minority group.

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<sup>109</sup> Jean-Francois Durieux, “The Many Faces of ‘Prima Facie’: Group-Based Evidence in Refugee Status Determination,” *Refuge* 25, no. 2 (Fall 2008): 159.

Exploring these early writings can thus influence how we interpret Lemkin's later thoughts about genocide. Nonetheless, as Lemkin's biographer John Cooper argues, Lemkin's writings reflect the limits of his historical context.<sup>110</sup> For instance, Lemkin's visions of group life, political violence, and state structures were strongly shaped by his experience of the pogroms, life in rural religious communities, and his exposure to specific types of government. As a student, Lemkin was also extremely taken with the work of Herder and Lemkin's insistence on the autonomy of cultural groups reflects this theoretical background. However, as Cooper argues, Lemkin's primary theoretical influence was Simon Dubnov, a prominent Jewish historian and theorist of cultural autonomy, who Lemkin saw as a touchstone for his theory of cultural life.<sup>111</sup> Nevertheless, despite these influences, Lemkin's writings offer a surprisingly porous account of group or social life.<sup>112</sup> Indeed, Lemkin's work is marked by a kind of empiricism, which describes forces of violence and elements of social life in a particular context.<sup>113</sup> In this sense, Lemkin endorses an open and even pluralist vocabulary for thinking about the life of groups. His account thus offers fresh resources for thinking against the hegemonic terms of the normative understanding of genocide. Indeed,

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<sup>110</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York, NY: Palgrave Macmillan, 2008), 4-6.

<sup>111</sup> Ibid, 15-35.

<sup>112</sup> Lemkin's autobiography and unfinished manuscript on the history of genocide have both recently become available. Written nearly two decades following Lemkin's first articles on the subject of the destruction of minorities they represent certain twists in his depiction of group life. For instance, the role of a biological conception of racial identity appears more prominently in the history of genocide. Nonetheless, Lemkin continues to insist on a multidimensional description of group life including economic, linguistic, social, religious, cultural, and ethnic aspects. He also identifies the pertinence of race as a byproduct of the colonial project rather than an intrinsic feature of racial or national groups. See Steven Leonard Jacobs, *Lemkin on Genocide*, Reprint edition (Lexington Books, 2014); Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Frieze (New Haven, Conn.: Yale University Press, 2013).

<sup>113</sup> See for instance Dominik J. Schaller and Jürgen Zimmerer, *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*, Reprint edition (S.l.: Routledge, 2013); A. Dirk Moses, "Raphael Lemkin, Culture, and the Concept of Genocide," in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 19-41.

Lemkin's work has recently become a resource for many projects attempting to push the study of mass violence beyond the current limits of genocide studies.

Lemkin's first formal writing on the problem of the group was a paper addressed to the Madrid Conference on Revisions of Penal Law. In this paper, Lemkin appealed to the notion of 'universal repression' in which certain crimes are "considered so particularly dangerous as to present a threat to the interests, either of a material nature of a moral nature, of the entire international community."<sup>114</sup> In particular, Lemkin pointed to the limits of existing law with respect to what he called 'collectives.' Lemkin began by arguing that international law distinguished between protections for the rights of an individual and protection of the rights of an individual as a member of a collective.<sup>115</sup> Collectives, Lemkin claimed, were due special recognition under international law and afforded a different set of rights from an individual. Drawing on this distinction, Lemkin argued for the creation of a new criminal category that he labeled 'acts of barbarity.' He defined acts of barbarity as "attacks carried out against an individual as a member of a collectivity...offenses of this type bring harm not only to human rights, but also and most especially undermine the *fundamental basis of the social order*."<sup>116</sup> Lemkin further described crimes of barbarity as 'acts of extermination' directed against "ethnic, religious

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<sup>114</sup> Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations."

<sup>115</sup> Lemkin's theory relies on an interpretive move that reads acts of violence in two distinct registers. The first register assumes an act directed against an individual as an individual while the second examines an act directed against an individual as part of a collective. The act of striking a person could thus fall under either category. Lemkin's work emphasizes the need to add the second register to law because a set of actions directed against a group may afflict particular individuals, but represent a different, emergent form of crime that afflicts the collective. The distinction between reading hinges on a specific form of sense that guides the interpretation of political action.

<sup>116</sup> Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations."

and social collectivities.”<sup>117</sup> These acts, he claimed, could typically be classified as a crime under existing domestic and international law. However, this classification was insufficient because crimes of barbarity were premised not on killing individuals, but destroying the collectivity itself. Lemkin characterized crimes of barbarity as “exceed[ing] relations between individuals...shak[ing] the very basis of harmony in social relations between particular collectivities.”<sup>118</sup> Indeed, for Lemkin, these were crimes of a wholly different nature

Lemkin saw the destruction of artistic and cultural heritage as an offense of similar importance and coined the phrase ‘crimes of vandalism’ to describe acts of destruction harming “the unique genius and achievement of a collectivity.”<sup>119</sup> Vandalism, Lemkin felt, deprived the humanity of vital works of art, literature, and cultural heritage that constituted a kind of worldly property. The ‘transnational danger’ Lemkin associated with vandalism was a product of his belief that the unique features of a collectivity contributed to “the wealth of all humanity.”<sup>120</sup> At this early point, Lemkin was grappling with the difficult task of establishing a new set of legal articles, outlining an ontology of social life, and joining the two projects. Lemkin’s theory of the ‘collectivity’ thus has plenty of loose ends and odd, almost paradoxical formulations. For instance, he offered no explicit definition or theory of what constitutes a ‘collective’ or subject group. Instead, Lemkin used terms such as ‘social,’ ‘religious,’ or ‘ethnic,’ inconsistently and, to a degree, interchangeably to describe the group. Nonetheless, two important features appear consistently in Lemkin’s discussion of the ‘collective.’ First, ‘collectives’ work as

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<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.



mediating agents between individuals, states, and the broader category of humanity. In this regard, Lemkin suggests individuals make up collectives that, in turn, compose ‘humanity,’ yet he also views collectives as irreducible to either the individual or humanity. Collectives are, for Lemkin, aggregates of quasi-determinate size, scope, and definition. Second, collectives have art, culture, and a feature Lemkin refers to as ‘unique genius’ as well as ethnic, social, religious, economic, biological and spiritual aspects. The collective is thus a catchall term, which captures a variety of properties of a group without defining a group by any one of these properties. Lemkin’s collective forms around what might be described a ‘vague essence’ rather than an intrinsic feature or objective definition.<sup>121</sup>

However, the vague essence also introduces a new problem for Lemkin because it makes it difficult to determine the conditions under which we can say a collective exists. Collectives drift on a chain of equivalences between art, culture, language, religion, ethnicity, or nationality. Indeed, Lemkin continually substitutes these terms for one another in such a way that it makes it difficult to know exactly what constitutes or distinguishes the group. I argue that what ultimately grounds or differentiates the group in Lemkin’s work is the intervention of sense. By this I mean Lemkin invokes an abstract, but real intuition regarding the existence of a group that ties together the otherwise apparently arbitrary features or characteristics of group life that he describes. In Lemkin’s work, sense operates in the background and divides or differentiates the vague essence of the group. Yet, at certain points in his writing, Lemkin explicitly refers to sense and the aesthetic in his description of the group. For instance, he states that the destruction of a collective produces a sense that the international order has been violated. In this context,

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<sup>121</sup> Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, 367.

sense imbues the group with a place in international politics and international politics with a certain duty to protect group life. It is this sense, rather than the text of the law itself, that motivates Lemkin's introduction of the crimes of vandalism and barbarity. The specific attribute or characteristic of the collective is, for Lemkin, less important than the intuitive judgment, guided by sense, that a collective's 'unique genius' has been destroyed. In Lemkin's early writings, the lack of a specific criterion for defining the group is thus resolved by the work of sense that designates when the loss of a group is significant. Perhaps unsurprisingly, an emphasis on sense reappears in Lemkin's later writings on genocide.

Lemkin coined the term 'genocide' in his 1944 publication *Axis Rule in Occupied Europe* and begins chapter IX, 'Genocide,' with the statement that "new conceptions require new terms. By 'genocide' we mean the destruction of a *nation or of an ethnic group*."<sup>122</sup> At first glance, this quote seems to indicate that Lemkin abandoned the term 'collective' for a more restricted definition of the group. However, Lemkin continues by stating that genocide:

"is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilation the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion and the economic existence of national groups....Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group."<sup>123</sup>

Lemkin further complicates the picture by describing genocide as having two phases:

"destruction of the *national pattern* of the oppressed group; the other, the imposition of the *national pattern* of the oppressor."<sup>124</sup> Lemkin never defines the term 'national

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<sup>122</sup> Lemkin, *Axis Rule in Occupied Europe*, 79.

<sup>123</sup> Ibid, 79.

<sup>124</sup> Ibid, 79, my emphasis.

pattern.’ However, in his uses of this term Lemkin emphasizes the multiple dimensions of the act of genocide.

These observations influence how we should interpret his use of ‘national or ethnic group’ in two ways. First, as Lemkin’s theory of social life, despite his repeated reference to nations, includes a multiplicity of dimensions that do not have an objective status,<sup>125</sup> we should interpret Lemkin’s understanding of the group as relational rather than essential. Second, as Lemkin suggests, a group’s ‘national pattern’ may be removed and replaced by another. Consequently, groups may be capable of changing as a result of political practices. Many readers of Lemkin may disagree with this interpretation because Lemkin at times refers to the ‘biological structure’ structure of the group. However, Lemkin does not use this term to refer to a unified biological or racial foundation for group life, although this is a common feature of many theories of his time. Rather, Lemkin invokes ‘biological structure’ to discuss the practices of eating, procreation, and care that facilitate the reproduction of a group’s life. This is apparent in his criticism of the concepts of ‘denationalization’ and ‘Germanization.’<sup>126</sup> These notions, Lemkin argues, overemphasize citizenship and ignore the destruction of the ‘biological structure’ of the group. Nonetheless, Lemkin argues that they touch upon something critical since they engage with the cultural, economic, and social dimensions of genocide that impair the ‘biological structure’ of groups. In this respect, the ‘national pattern’ includes the reproduction of both biological and social dimensions of group life.

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<sup>125</sup> This illustrates the point made in the previous section about how a determination of the ‘group’ always entails both a form of content (the identity categories describing the group) and a form of expression (relations between groups constituted by these identity categories). The two dimensions of groups are inseparable from one another. While scholarly debate often calls attention to the problematic aspects of the first aspect it rarely comments on the second.

<sup>126</sup> Lemkin, *Axis Rule in Occupied Europe*, 80.

Lemkin also highlights the complexity of the ‘nation’ more extensively in his later discussion of the Nazi war effort. In this context, Lemkin opines that the Nazis discovered a form of warfare that targeted the nation rather than the state. By identifying the nation as an object of war, the Nazi genocide could target the enemy using a variety of “techniques of genocide” including political, social cultural, cultural, economic, biological, physical, religious, and moral practices.<sup>127</sup> In his later writings, Lemkin would underline the point: “genocide is a gradual process and may begin with political disenfranchisement, economic displacement, culture undermining and control, the destruction of leadership, the breakup of families, and the prevention of propagation. Each of these methods is a more or less effective means of destroying a group.”<sup>128</sup> In this quote, Lemkin affords equal importance to a variety of mechanisms that afflict different aspects of group life and jeopardize the reproduction ‘national pattern.’ Lemkin’s call to outlaw these practices only makes sense if these techniques intersect with a porous, multidimensional understanding of group life.

Lemkin adds more complexity to his notion of the group in his call for new international penal law. In this argument, Lemkin claims that once “we conceive that nations are essential elements of the world community. The world community represents only so much *culture and intellectual vigor* as are created by its *component* national groups.”<sup>129</sup> Lemkin continues by stating that a nation “signifies constructive cooperation and original contributions, based upon genuine traditions, genuine culture, and a well-developed national psychology. The destruction of a nation, therefore, results in the loss

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<sup>127</sup> Ibid, 82-90.

<sup>128</sup> Jacobs, *Lemkin on Genocide*, 35.

<sup>129</sup> Lemkin, *Axis Rule in Occupied Europe*, 91, my emphasis.

of its further contributions to the world.”<sup>130</sup> Here, Lemkin’s description of ‘national groups’ appears to develop the unity and originality characteristic of nationalist discourse of the period. Yet, Lemkin’s language also remains reminiscent of his earlier discussion of the ‘collectives’ subject to crimes of barbarity and vandalism. To Lemkin, nations are important because they contribute something unique and are the progenitors of the distinctiveness of the world community. Far from a biological essentialism, Lemkin’s nations become significant insofar as they *produce* rather than are something distinctive for a world community. Lemkin continues these passages by saying “destruction [of a nation] offends our *feelings* of morality and justice in much the same way as does the criminal killing of a human being: the crime in one case as in the other is murder, though on a vastly different scale.”<sup>131</sup> In other words, the destruction of the national group, for Lemkin, is analogous to the murder of a human being because murder destroys a unique individual just like the destruction of the group destroys a unique entity at a greater scale. This thread would continue into Lemkin’s late work: “the destruction of these groups has caused irretrievable losses because culture by its very nature can be neither restored nor duplicated.”<sup>132</sup> In this statement, Lemkin privileges the *feeling* or *sense* of an offense against justice or morality in order to ground an analogy between an individual and a group as unique entities. Lemkin underlines what is lost in genocide by observing that ‘national groups’ constitute irreplaceable resources for human culture. Lemkin’s reference to the national group here thus deemphasizes traditional aspects of nationalism, such as territorial or historical rootedness, in favor of prioritizing the nation’s productive value and an irreplaceable ‘spirit’ that contributes to the world. In other words, for

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<sup>130</sup> Ibid, 91.

<sup>131</sup> Ibid., 91, my emphasis.

<sup>132</sup> Jacobs, *Lemkin on Genocide*, 9.

Lemkin, groups are important because of the unique or distinctive contributions they make to the world whose loss makes genocide into a sensible event.

Lemkin's theory of the group consistently refuses to ascribe an objective status to groups on account of a specific characteristic, attribute or property. Rather, Lemkin grounds his interpretation of the group in a sensorial or affective response. Indeed, as Lemkin put it in an earlier quote: the destruction of groups 'offends a *feeling* of morality and justice.' Lemkin's rhetorical choice here is significant not just because it blends sentiment and reason, a common practice in discussions of international crime, but because of how sense or feeling substantiates and differentiates 'national groups.'<sup>133</sup> For Lemkin, it is the feeling of injustice that determines when the loss of a collective occurs. An operation of sense endows the group with a significance that renders its destruction a form of worldly loss. The structure of sense is critical in order for the destruction or disappearance of a group to appear or be felt as a form of loss.<sup>134</sup> Just as with crimes of barbarity and vandalism, Lemkin's definition of 'genocide' hinges on a structure of sense that renders the destruction of a group offensive.

Lemkin's invocation of sense has two important implications. First, it allows Lemkin to provide a theory of the group without referring to a specific predicate of identity. Second it means that Lemkin's groups have only 'vague essences' and are

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<sup>133</sup> For a longer discussion of the relationship between reason and sentiment in humanitarian practice see Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011), 1-20.

<sup>134</sup> Sense in Deleuze's rendering is a mobile element, which means it never remains eternally posited but shifts in relation to other senses. The sense of 'to green' remains neutral to trees, leaves, faces, or roofs, but also cooperates with other infinitives such as 'to grow,' 'to drink,' 'to sicken,' or 'to rust,' such that it inflects relations formed between terms. Sense is thus not specified in any particular word, but words remain capable of indicating a sense. The sense of any proposition can never be self-stated. Sense thus remains ephemeral within the terms of a proposition, necessary for indication, self-reference, or signification, but also connected to the state of affairs. In this case, sense operates in the infinitive 'to offend' to couple the series of feeling, morality and justice. Specifying the structure of sense is difficult, not only because sense can't be a subject of self-reference, but because it remains incorporeal; evidence in operation, but not in actuality. Deleuze, *The Logic of Sense*, 214-15.

composed of innumerable social, economic, cultural, political, linguistic, and artistic dimensions. Lemkin's work thus depends on sense to differentiate the group. This begs the question of what structures the work of sense in Lemkin's writing. Lemkin's texts offer several clues regarding the answer to this question. For instance, Lemkin will repeatedly include many different aspects of a group, change terminology, and discuss the afflictions of Poles, women, children, Lithuanians, priests, and other social groups without expressly clarifying why these groups are significant. In each of these cases, Lemkin draws upon an analogy with the individual. For instance, the afflictions of the Poles under the Nazi leadership affect them in the same way undue state power affects a household or, alternatively, genocide, as Lemkin states, is analogous with murder. Lemkin links the two terms of this analogy by referencing the feeling of offense. Put differently, Lemkin argues that the murder of an individual and the destruction of a group produce a common feeling of offense. This common feeling of offense grounds the identity of the crimes and enables Lemkin to make comparisons between them. The work of sense thus appears in connecting the form of the individual to the form of the collective or national group. In addition, Lemkin buttresses this analogy by appealing to a legal and moral motif for describing the group. He will, for example, discuss a group's 'rights to existence' as analogous to the 'rights of individual' or the 'rights of man.' In this respect, Lemkin posits a common form for group life built upon an individual and a group's analogous relationship to law. Read through this lens, the work of sense in Lemkin's writing searches for commonalities between groups and individuals, which can be grounded in accordance with the notion of a legal and moral subject. This form of sense grounds Lemkin's suspicion that the word genocide carries an instantaneous moral

judgment, which communicates the unique loss of group life. Indeed, Lemkin's work stands at a crossroads because it has affinities with strong normative judgment, but relaxes the standards for determining what groups may be afflicted by genocide. In this respect, Lemkin both initiates the development of the normative understanding of genocide and offers resources for its deconstruction.

### Conventional Groups

The UN General Assembly adopted the UNGC on December 9, 1948. Despite appearing only four years after Lemkin's invention of the concept of genocide, the UNGC dramatically alters the notion of the group by removing any reference to 'national minority,' 'national pattern,' or 'social collectives,' in favor of four specifically protected groups: racial, ethnical, national, and religious. The text of the UNGC offers no rationale for why these groups were recognized in the convention, simply stating that: "in the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."<sup>135</sup> In this section, I turn to the series of debates surrounding the formation and ratification of the UNGC in order to describe why these particular groups were singled out for protection by the UNGC. In doing so, I explore what assumptions or characteristics about these groups ultimately made them worthy of this form of political protection.

The first legal uses of the concept genocide took place during the International Military Tribunal at Nuremberg following the defeat of Nazi Germany.<sup>136</sup> In these high

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<sup>135</sup> "Convention on the Prevention and Punishment of the Crime of Genocide."

<sup>136</sup> For a generic use of this fact to establish the progressive history of genocide see Power, *A Problem from Hell*; For a complex reading of the politics of this process see Alexa Stiller, "Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative," in



profile trials, the allies tried the Nazi leadership on four charges: crimes against the peace, crimes of aggression, war crimes, and crimes against humanity. While genocide was not included as a charge, the concept of genocide was incorporated into the formal indictment for war crimes: the defendants “conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies, and others.”<sup>137</sup> The concept of genocide first appeared in this context because the Allied prosecutors frequently consulted Lemkin, who had an extensive knowledge of the legal changes under the Nazi occupation. As a consultant, Lemkin was able to advocate for the use of the term genocide.

The concept of genocide was thus used repeatedly throughout the Nuremberg tribunals and in the Denazification trials that followed. However, the use of the term was highly variable and different prosecutors, judges, and court systems invoked it to describe many different aspects of the Nazi atrocities.<sup>138</sup> The circulation of the term during the Nuremberg tribunals produced a consensus that genocide aptly characterized the crimes of the Nazi state. By 1946, the growing consensus on the gravity of the Nazi crimes combined with the emergence of the genocide vocabulary led to a formal call at the United Nations for a convention outlawing genocide. This took the form of UN General Assembly Resolution 96, which called for the Economic and Social Council (ESC) to study and draft a formal convention against genocide.

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*Reassessing the Nuremberg Military Tribunals: Transitional Justice, Trial Narratives, and Historiography*, ed. Kim C. Priemel and Alexa Stiller (New York: Berghahn Books, 2012), 104–33.

<sup>137</sup> As quoted in Alexa Stiller, “Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative,” 108.

<sup>138</sup> Ibid.

The 1946 Resolution stipulated that “genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to the moral law and to the spirit and aims of the United Nations.”<sup>139</sup> Here, the emphasis on the broad category of ‘human groups’ stands in contrast to the UNGC’s list of racial, religious, national and ethnical groups. The resolution’s effort to use broad, open categories is further evidenced by another line stipulating that: “many instances of such crimes of genocide have occurred when racial, religious, political, and *other groups* have been destroyed, entirely or in part.”<sup>140</sup> There are two remarkable features of the 1946 resolution with regard to the notion of the group. First, the text marks a shift to enumerate specific privileged or protected groups rather than return to Lemkin’s more abstract language of collective and national minority. Second, the text nonetheless endorses open terminology when enumerating or listing these groups. Indeed, the final text of the UNGC ultimately replaces more open notions such as ‘human groups’ or ‘other groups’ with an exacting list of protected groups. The 1946 resolution thus represents a transitional point between Lemkin’s comparatively open reflections on the nature of the group and the UNGC’s ultimate appeal to objective categories of identity.

Following the 1946 resolution, the UN Secretariat established a small group of representatives who, in consultation with Lemkin and other experts on international law, created a draft of the convention. This draft was handed to the ESC, which convened two

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<sup>139</sup> United Nations General Assembly, “The Crime of Genocide 96 (I),” December 11, 1946, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/IMG/NR003347.pdf?OpenElement>, my emphasis.

<sup>140</sup> Ibid.

separate committees, the Ad Hoc Committee and Sixth (Legal) Committee, to draft, revise, and finalize the UNGC. The history of the drafting process has now been well documented by a number of historians and legal scholars, but Leo Kuper's early analysis of this process still offers excellent insight into the forces at work in creating the UNGC.<sup>141</sup> In his reading of this history, Kuper notes that the Sixth and Ad Hoc committees achieved a quick consensus about the importance of protecting national, racial and ethnic groups, but that the inclusion of political, economic, religious, and cultural groups in the convention incited controversy. These arguments took place in the form of memoranda and plenary sessions and led to a host number of different proposals regarding the scope, authority, and elements of the convention.

Kuper largely focuses his analysis on the debate over political and cultural groups since these categories appeared to generate the greatest degree of controversy at the ESC. The inclusion of the category of 'political groups,' for instance, was primarily contested by the Soviet Union whose representative claimed that 'political groups' lacked a scientific basis and could not be defined by any objective criteria. Furthermore, several representatives felt that 'political groups' were fundamentally voluntary associations produced by loose political and economic affiliations and consequently lacked the 'permanency' and 'involuntary' character of racial, religious or national groups. Still other representatives thought that the inclusion of 'political groups' would undermine the viability of the UNGC since, they argued, many states would be unlikely to adopt the law if they felt it justified international intervention on the basis of their policies.

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<sup>141</sup> Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale University Press, 1981). For other histories of the drafting process see Schabas, *Genocide in International Law*; John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York, NY: Palgrave Macmillan, 2008); John B. Quigley, *The Genocide Convention: An International Law Analysis* (Aldershot, England ; Burlington, VT: Ashgate Publishing Company, 2006).

Representatives such as Hartley Shawcross, who ultimately disagreed with the notion of a convention altogether, countered these claims by arguing that “past crimes of genocide had been committed on racial or religious grounds, [however] it was clear that in the future they would be committed mainly on political grounds.”<sup>142</sup> Concerns were also raised about the potential for any mass extermination to be justified as a ‘political necessity’ thereby gutting the UNGC of any meaningful force.<sup>143</sup> In fact, the term ‘political groups’ remained in the text of Convention until November 29<sup>th</sup>, 1948, only ten days before the ratification of the Convention, when the issue was raised again and a compromise was made to expunge the term from the text in order to ensure the Convention’s adoption by the General Assembly.<sup>144</sup>

A similar question was raised with respect to the matter of cultural groups or cultural genocide. The earlier Secretariat Draft and Ad Hoc Committee Draft of the UNGC both contained lines specifically describing the destruction of language, monuments, schools, libraries and other ‘cultural objects’ as forms of genocide. While these drafts did not always refer directly to the category of ‘cultural group,’ they included acts directed against the social or cultural dimension of a group in their description of genocide. In this case, the Soviet representative pressed for the inclusion of cultural genocide as a formal part of the UNGC while representatives from Western democracies staunchly opposed it.<sup>145</sup> The Soviet representative argued that, absent a cultural

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<sup>142</sup> As quoted in Interestingly, arguments were made against the inclusion of religious groups on similar grounds. Other representatives argued that religious groups were derivative or secondary aspect of national and racial groups.

<sup>143</sup> Ibid, 29.

<sup>144</sup> The United States, according to Kuper, was the principle agent advocating for the inclusion of political groups and economic groups. Strangely, the US would both be saved from a formal charge of genocide only three years later by referencing the absence of economic groups and would refrain from ratifying the Convention until the 1988 largely because it might jeopardize American sovereignty.

<sup>145</sup> Kuper, *Genocide*, 31.

dimension, the convention would be easy to circumvent because a state could simply appeal to the category of ‘culture.’ The British and American representatives countered this claim by arguing that culture was too ambiguous a category for formal inclusion in the law. In this respect, the debate over the inclusion of cultural and political groups mirrored one another.

Kuper correctly identifies that the conflict over the inclusion of political groups and cultural groups reflects the anxieties of different representatives with respect to the colonial practices of their own states. The Soviet Union’s hostility to the inclusion of ‘political groups’ and ‘economic groups’ grew from concerns that the practice of dekulakization could lead to prosecution on charges of genocide while the US and European states felt that the inclusion of ‘cultural groups’ would expose them to charges of genocide on the basis of colonial practices and segregation.<sup>146</sup> Ultimately, Kuper argues, the decision to abandon both terms amounted to a kind of ‘grand bargain’ between the US, USSR and UK in order to facilitate the passage of the convention while ensuring legal impunity for their respective states.<sup>147</sup>

The categories of religious and economic groups were also debated several times at the ESC, but were subject to less intense negotiation. For example, several representatives contended that the inclusion of religious groups was unnecessary because religion was a secondary dimension of national groups and thus undeserving of special consideration. In addition, the United States initially proposed including economic groups in the convention, but later withdrew the proposal due to the intractability of many other

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<sup>146</sup> It is important to note that the Genocide Convention maintains that individuals or states may be party to genocide. I will discuss the debate over this in the fifth chapter with respect to intent and criminality.

<sup>147</sup> Kuper, *Genocide*, 47.

representatives.<sup>148</sup> While these initiatives were ultimately defeated, they illustrate a variety of different images of the group at work in the background of the UNGC.

Regardless, a consistent feature of these meetings is an effort to conceptualize genocide as a crime afflicting only specific types of groups.<sup>149</sup>

In contrast, many arguments advanced in the debates at the Ad Hoc and Sixth Committee sessions directly acknowledged the ambiguous nature of the concept of genocide and pointed out the difficulties of establishing a precise list of protected groups. A French representative, for instance, remarked that the term genocide could not be defined by etymological, legal, or objective criteria because the concept lacked a prior history. According to this line of argument, the drafting committees were entirely free from questions of precedent and, as such, arguments predicated on the meaning of particular words such as ‘racial,’ ‘ethnic,’ ‘religious’ were specious and without legal support.<sup>150</sup> Other representatives argued that laws were subject to evolution and shifts in meaning so that the precise enumeration of groups would remain largely irrelevant to future uses of the convention. Still other representatives felt that genocide should be linked directly to a set of destructive ideologies rather than the destruction of the group per se in order to prevent a future outbreak of fascism. In particular, several representatives sought to tie genocide directly to the totalitarian structure of the Nazi

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<sup>148</sup> This is quite ironic given the fact that only a few years later the United States would argue against the claims of “We Charge Genocide” on the grounds that it constituted economic rather than racial genocide. For a fuller discussion see Ann Curthoys and John Docker, “Defining Genocide,” in *The Historiography of Genocide*, ed. Dan Stone (New York: Palgrave Macmillan, 2010), 9–41.

<sup>149</sup> Debates during the drafting process also focused on the viability of a number of other terms such as economic groups and racial groups. However, the primary dispute appears to center on the question of political and cultural genocide since these categories produced the greatest amount of apprehension amongst the representatives. It is also worth noting that the agendas of the representatives advocating different terms are unclear. John Cooper makes the case, for example, that the British switched their position on different categories in order to try and defeat the convention. For my purposes, these intrigues are less important than the notion of the groups being discussed. John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*.

<sup>150</sup> Kuper, *Genocide*, 32.

state.<sup>151</sup> Considered together, these arguments evidence a surprising degree of awareness regarding the fictive and malleable dimensions of the concept of genocide and an appreciation for the inherent ambiguity that results from creating a brand new political concept. Moreover, they stand in stark contrast to the insistence of the American, European, and Soviet representatives that the inclusion of specific groups would either lead the General Assembly to abandon the convention or obligate problematic intervention to protect indeterminate groups.

What is clear from this brief history is the dissensus surrounding the most basic terms of the UNGC. If Kuper's contention is correct then, like any article of international law, the final draft of the UNGC was a product of a compromise amongst powerful states. This begs the question of why the list of groups ultimately protected by the UNGC enabled this compromise. Several observations are important in this respect. For example, the UNGC's final text abandons Lemkin's more open understanding of 'social collectives' and 'national groups,' the Nuremberg trials' use of the term, and the 1946 Resolution's language of 'other groups' and 'human groups.' In this respect, the compromise reflects a shift from an open notion of the group to a highly specific set of allegedly objective or essential group categories. In effect, the final text of the UNGC establishes distinct criteria or predicates for determining whether a group may be subject to genocide. As many genocide scholars have pointed out the UNGC wrote off the extermination of political groups, social groups, urban groups, and rural groups all of which remain without protection under the terms of the convention.<sup>152</sup> However, the UNGC not only excludes these groups, it also reifies nationality, ethnicity (or

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<sup>151</sup> Ibid, 33.

<sup>152</sup> The subsequent creation of terms like *politicide*, *urbicide*, or *gendercide* reflects efforts to extend genocide to these groups.

ethnicity), race, and religion as powerful categories in international politics and, in this way, constitutes them as standards for the expression of identity. In this regard, the UNGC encourages representations of atrocity to link violence to specific forms of group identity. The UNGC thus actively contributes to the production of group identity by providing a powerful frame for understanding political conflict and, more importantly, by creating incentives to represent groups exclusively in these terms. The UNGC's notion of the group consequently reflects a series of deep, culturally bounded understandings of how social life takes shape and becomes worthy of recognition.

This shift from Lemkin's open notion of the group to the UNGC's specific predicates of identity is an important step in the history of the group. When Lemkin first coined the term genocide he endorsed a messy notion of the group defined by analogous judgment. The UNGC, in contrast, altered the notion of the group by defining it in accordance with specific attributes or predicates of identity. In effect, essential templates replaced the more open dimensions of Lemkin's notion for identity in order to explicitly define what groups may be subject to genocide. Put differently, the groups part of genocide, as articulated by the UNGC, treats identity as constituted by separate, determinate, and natural divisions. The UNGC thus abandons groups, which fail to align with the ciphers of ethnicity, race, religion, or nationality while rendering group identity unthinkable outside of these terms. In this way, the UNGC marks a significant development in the normative understanding of genocide because it links the group to rigid categories of identity, which ultimately shape subsequent generations of genocide scholarship. The 'compromise' between the great powers described by Kuper is thus, in a way, underwritten by a prior consensus on a specific template of identity. While it is



certainly worth studying the debates behind the compromise, the unexamined aspect of this compromise is the more subtle transformation of the notion of the group from an open association into a rigid set of predicates of identity, based in the European experience, that support the application of law in only isolated occasions. What is at stake in this transformation is a different structure of sense, which links the destruction of genocide to only particular, allegedly objective forms of identity. These kinds of group identity, in turn, frame what forms of violence are worth protecting against in humanitarian practice.

### The New Groups

I am far from the first to recognize the limits of the UNGC's definition of genocide. Beginning in the 1970s, a cadre of scholars started to realize the problems with the UNGC's definition of genocide especially in light of the emergence of new episodes of mass violence. As the international community's looming failure to stop atrocities in places like Nigeria, Cambodia, and Vietnam came to light, genocide scholars adopted more critical views of the UNGC's notion of the group. In many ways, their insights highlight the weaknesses of the UNGC's definition of group life and underscore the need for novel approaches to genocide research. In response to these weaknesses, two broad approaches have emerged that attempt to resolve the deficits of the UNGC definition of the group by providing alternative accounts of how genocide takes place. The first approach treats groups as social constructs rather than stable ahistorical entities. By focusing on the social basis of identity, scholars have expanded the definition of the group associated with genocide in order to compensate for the limitations of the UNGC's

definition. A second approach opts to define genocide by the events or acts of mass violence rather than the groups targeted by such acts. This approach thus treats the perceptions of organizations, leaders, or mass movements as critical in determining the group subject to genocide. In this section, I will briefly examine the benefits of these new approaches vis-a-vis the UNGC's definition by discussing a couple of examples of each approach. I will also illustrate how in spite of these improvements on the UNGC's categories, the new approaches also reproduce normative understandings of genocide with problematic implications for the politics of genocide.

Martin Shaw's work on genocide provides an example of the social constructionist approach to the group. Drawing on his theories of the social dimension of war, Shaw criticizes approaches to the study of genocide that analytically separate it from war.<sup>153</sup> Shaw maintains that war plays an important role in the emergence of genocide especially as changes in technology and ideology over the past several decades have increasingly targeted civilian non-combatants.<sup>154</sup> Genocide, for Shaw, takes place when the violence of war afflicts civilian non-combatants en masse. In his critical reading of the UNGC, Shaw argues that modern developments in war- risk transfer, emergence of low-intensity conflicts, dispersion of war fighting into domestic settlements-have distanced contemporary genocide from the totalitarian, state-sponsored mass murders characteristic of the first half of the 20<sup>th</sup> century.<sup>155</sup> At the same time, Shaw contends that social relations play a crucial role in constituting the groups destroyed by genocide. He is thus critical of the elaboration of new terms such as ethnocide, ethnic cleansing or

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<sup>153</sup> Shaw's work offers a social and relational approach to war. Drawing from Weberian thought, Shaw argues that war takes place in a social context and also redistributes social relations. He thus challenges the artificial division between the state, society, and war offered in traditional IR accounts.

<sup>154</sup> Martin Shaw, *What Is Genocide?* (Cambridge Malden, Mass: Polity, 2007), 111-112.

<sup>155</sup> Ibid, 128-129.

politicide for obscuring the multiple forms genocide may take.<sup>156</sup> By treating identity as static rather than socially constituted, Shaw argues, many genocide scholars end up limiting themselves to only one type of political conflict between predetermined ethnic minority groups. As a result, genocide scholars tend to overlook the crucial relationship between military activity, social perception, and the emergence of genocide within the context of war.

Shaw's notion of genocide, drawing on Weber's notion of ideas, explains how both the victims and perpetrators of genocide are *relationally* constituted.<sup>157</sup> According to Shaw, the group subject to genocide emerges within what he calls "*the structure of conflict*."<sup>158</sup> By 'the structure of conflict' Shaw means the relations between an armed or empowered military group and a relatively powerless or exposed non-combatant group. When recurrent patterns of political violence afflict and define a subordinate group, these relations, rather than predetermined identity categories, constitute a group as a subject of genocide. The 'structure of conflict' dovetails with the socially constructed nature of group identity by altering when and how a group becomes subject to genocide. The crucial feature for Shaw is a shift in the understanding of a victim group from a social to a political/military enemy.<sup>159</sup> With this shift, Shaw argues a new series of relations and practices can be directed against a group. Genocide thus emerges at the nexus of changes in the practices of war and shifts in the interpretation of the social group. These changes, rather than the UNGC's categories, more robustly describe the social relations or context that defines an event of genocide. For Shaw, both the relations of force between different

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<sup>156</sup> Ibid, 64-65.

<sup>157</sup> Ibid, 101-102.

<sup>158</sup> Ibid, 95, emphasis in the original.

<sup>159</sup> Ibid, 111.

parties within a conflict and the extreme measures of violence deployed to eliminate one of these groups thus define the groups subject to genocide.

According to Shaw, appreciating the social idea of the group resolves many of the problems of the UNGC's restricted category of groups. For instance, it opens up the field of genocide studies to new episodes of group destruction that involve heterogeneous populations. A fundamental problem with predefining the types of groups that can be subject to genocide is revealed when Shaw demonstrates how acts of violence contribute to the creation of group categories. While this is a crucial insight, Shaw's argument nonetheless returns to a normative understanding of the group. Specifically, Shaw interprets the 'structure of conflict,' and hence the possibility for social relations to become genocidal, in light of the presumably objective distinction between combatant and non-combatants. For Shaw, the structure of conflict emerges whenever a non-combatant group, who remains according to his definition fundamentally vulnerable, becomes subject to military violence. The combatant non-combatant distinction is thus crucial for Shaw's argument because it establishes the conditions of possibility for the emergence of a 'structure of conflict' capable of differentiating war and genocide. This distinction is, however, an arbitrary and problematic one because it looks to a single 'objective' element, armed power, to ground both the form and content of genocidal conflict. In this way, Shaw's argument privileges a single objective relation of force to define the groups subject to genocide and consequently understands the 'social construction' of groups within a very narrow set of circumstances.<sup>160</sup>

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<sup>160</sup> In part, this stems from a problem of scholarship. Shaw's argument depends on an objective position outside of the conflict to describe the formation of social positions. However, genocide, as a moral judgment, hinges on offering a further stipulation regarding the relations between these groups. The normative understanding of genocide thus intervenes to reconstruct the binary between these groups.

However, Shaw's argument neglects the fact that the combatant/noncombatant distinction is also a social construction.<sup>161</sup> By treating this distinction as an objective condition for defining genocide, Shaw abandons the UNGC's emphasis on stable predicates of identity and replaces it with an emphasis on a static set of social conditions. In a sense, Shaw's position enables the *substance* of the group's identity (race, ethnicity, and culture) open, but rigidly defines the *form* this identity must take. Shaw's argument certainly provides novel insights into the emergence of genocide, but his position ultimately reintroduces the normative understanding of genocide that defines groups in a dialectical fashion via the 'structure of conflict.' Shaw's argument consequently has two limitations. First, in many contexts the combatant/non-combatant line is indistinct, indiscernible, or altogether nonexistent. In these conflicts, social relations can be destructive, yet not conform to the image of the 'structure of conflict' at work in Shaw's approach. Second, rather than provide a novel way of thinking of the group, Shaw abandons the UNGC's categories for a new set of group identities defined by new war theory. In doing so, Shaw simply substitutes one set of normative concerns for another. To the extent that this is the case, Shaw's insights about the structure of conflict contribute to a larger discourse seeking to make genocide and war governable through recourse to international institutions and morality.<sup>162</sup>

The philosopher Claudia Card offers another example of a social constructionist approach to the notion of a group. Card's work examines genocide in the broader context of a philosophical inquiry into evil, which she defines as "reasonably foreseeable

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<sup>161</sup> Helen M. Kinsella, *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian*, 1st edition (Ithaca: Cornell University Press, 2011).

<sup>162</sup> Jacob Mundy, "Deconstructing Civil Wars Beyond the New Wars Debate," *Security Dialogue* 42, no. 3 (June 1, 2011): 279–95.

intolerable harms produced by *inexcusable* wrongs”<sup>163</sup> Along with torture and terrorism, Card sees acts of genocide as “[in]defensible, even paltry, from a moral point of view,” and evil because they produce a form of “intolerable harm.”<sup>164</sup> Following Orlando Patterson’s work on slavery, Card defines genocide as an “extreme of social death.”<sup>165</sup> Social death takes the form of natal alienation, the loss of the relationships, context, and identity that support the creation of a meaningful life. It is “social death [that] distinguishes the evil of genocide, morally, from the evils of other mass murders,” as it destroys “relationships, connections and foundational institutions that create community and set the context that gave meaning to careers, goals, lives and deaths.”<sup>166</sup> Starting from this point, Card, like Shaw, is critical of essentialist notions of genocide. These notions, Card contends, treat identity as static reservoirs of meaning and miss the vibrant social relations that are critical to maintaining a group life. Essentialist conceptions of genocide thus actually obscure the evil of genocide, according to Card, because they ignore how genocide entails the loss of a social world. Like Shaw, Card’s work vastly expands the set of techniques constitutive of genocide beyond physical killing and shows the corrosive effects of a variety of social conditions on a group’s livelihood.<sup>167</sup>

However, unlike Shaw, Card offers no theory of ‘social ideas’ to describe the construction of a group subject to genocide. Instead, Card assumes a meaningful social world is germane to a particular group and that its loss is not subject to external observation. Groups consequently define when they have been subject to destruction in

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<sup>163</sup> Claudia Card, *Confronting Evils: Terrorism, Torture, Genocide* (Cambridge New York: Cambridge University Press, 2010): 16.

<sup>164</sup> Ibid, 19.

<sup>165</sup> Ibid, 237.

<sup>166</sup> Ibid, 237, 238.

<sup>167</sup> Ibid, 282-3.

their own terms. Card's theory privileges the perspective of those subject to genocide and endows it with a capacity to describe the traumatic loss of the social world. While both Card and Shaw explore the motley, thick, and complex process of constructing social identity, Shaw focuses more closely on acts of killing and military violence whereas Card emphasizes the loss of the *texture* and *ties* of a social world. In this regard, Shaw represents a 'weak' approach to social construction, primarily using it as a vehicle to describe the distribution and transformation of warfare, whereas Card represents a 'strong' approach, turning the social world itself into the principle object of genocide.

If Shaw's argument grounded the social construction of the group in the combatant/non-combatant distinction, Card makes no such appeal to an extrinsic distinction. Instead, Card maintains the loss of the social world is largely perspectival. Acts of genocide consequently may differ between groups depending on how they depict and articulate the loss of a social world. Nonetheless, Card consistently returns to specific features of identity -place, history, and narrative- to describe how communities maintain a social world. However, Card's argument overlooks an important part of Shaw's, namely that acts of genocide contribute to the production of a social world. In other words, Card treats acts of genocide as corrosive on a predetermined social order rather than constitutive of a social world. In doing so, Card offers an image of social life as essentially harmonious and conflict free prior to the onset of genocide. Indeed, it is partly the innocence of the social world that prompts Card to turn to the vocabulary of 'evil' in order to make moral judgments regarding what constitutes an 'intolerable act.' Card's argument treats groups as always already victims. Her overt references and analogies to physical pain (torture, terrorist bombings, etc.) likewise underscore that genocide is

understood exclusively in terms of physical trauma. In doing so, Card turns the porous notion of the collapse of a social world into a strangely physical definition of genocide that impacts the bodies of a victim group afflicted by inexcusable violence. Card's claim to prioritize the narrative accounts of victims of the group thus stands in tension with many of her more descriptive observations about the function of physical violence in the breaking of a social world. Card's turn to the vocabulary of evil marks a moment, similar to the use of the combatant/non-combatant division in Shaw's work, where a specific set of objective relations delimit the conditions under which a group can claim to be a subject of genocide. In this respect, Card's work reproduces the normative understanding of genocide in a similar fashion to Shaw by grounding her argument in an asocial relation. Consequently, Card replaces the stable predicates of identity with a set of objective actions that damage a social world while doubling down on the moral implications of these actions.

Card and Shaw represent examples of a constructionist approach to the problem of groups. While decrying the essentialist dimensions of the UNGC, both reproduce a normative understanding of group identity by appealing to a set of allegedly asocial political structures or relations to describe the nature of genocide. This normative understanding reproduces a rubric of identity that defines groups in terms of static circumstances, conditions or relations. As a result, groups subject to genocide get interpreted as homologous to one another and only when objected to after the development of specific political conditions. Card and Shaw thus both set significant limits on what groups can be subject to genocide.



The social constructionist approach offers one solution to the problems of the group created by the UNGC definition of genocide. The second broad approach abandons the UNGC's categories of ethnic, racial, religious or national identity in favor of studying phenomena of mass violence in larger aggregates. The purpose of this approach is to avoid getting bogged down in arbitrary debates over when and where violence against groups counts as significant and place genocide in relation to other events like war and conflict. The value of this approach is that it includes many episodes and forms of violence that would be excluded under the terms of the UNGC. However, the approach has two clear disadvantages. On the one hand, it eliminates any significance to the group qua group and lumps all the victims of violence into one category. This puts into question the specificity of the term 'genocide' vis-à-vis other categories like crimes against humanity or war crimes. On the other hand, scholars using this approach frequently invoke identity as an explanation for the emergence of mass violence. In doing so, they often endorse images of conflict as a byproduct of intractable identity-based conflict. This approach to the study of genocide thus reaffirms identity while, at the same, reducing the importance of highlighting group-based politics.

Barbara Harff and Ted Gurr offer an excellent example of this second approach. Harff and Gurr's now classic piece 'Toward an empirical theory of Genocides and Politicides' defines genocide as "the promotion and execution of policies by a state or its agents which result in the deaths of a substantial portion of a group...[when] the victimized groups are defined primarily in terms of their communal characteristics, i.e.,

ethnicity, religion or nationality.”<sup>168</sup> The standard of mass death thus displaces the focus on the particular ‘communal characteristics’ of the group in question. Harff and Gurr defend this definition as capable of analytically describing the majority of mass killing episodes in both ancient and contemporary history and providing a clear criterion for comparing genocides and politicides across time periods. Nonetheless, Harff and Gurr defend an image of the group defined by a set of communal characteristics such as ‘ethnicity, religion or nationality’ and thus make an implicit presupposition about the importance of identity categories for determining the genocidal nature of mass killing events. The comparisons they make are thus marked by an imaginary that thinks of mass killing as based in intractable identity-based conflicts. In this way, Harff and Gurr invoke incredibly rigid accounts of group identity in order to explain the development of genocide while simply defining genocide retrospectively by the appearance of mass killing.

Just like the social constructionist approach, Harff and Gurr’s argument removes any emphasis on particular types of group identity, but nonetheless inscribes genocide as a crime of identity. Harff and Gurr’s study thus rests on the assumption that all identity-based forms of mass violence *resemble* one another in ways that provide important insights for the study of genocide and armed conflict. In Harff and Gurr’s argument group identity serves as little more than a placeholder for describing the emergence of the episodes of violence they seek to study. Harff and Gurr’s description of the world thus maintains that identity produces necessarily antagonistic conflicts. Their position makes it difficult to see these forms of conflict as the byproducts of social construction and

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<sup>168</sup> Barbara Harff and Ted Robert Gurr, “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945,” *International Studies Quarterly* 32, no. 3 (September 1988): 360.

political conditions. In a sense, Harff and Gurr broaden the set of victims of genocide and politicide, but do so by framing the outbreak of violence as a byproduct of irrational responses to identity-based political commitments. In doing so, they reintroduce a normative understanding of genocide by using identity as an ascriptive explanatory principle that prefigures how, where, and why genocide occurs. As such, Harff and Gurr's work supports the proliferation of a new series of techniques for preempting and governing the emergence of mass violence by engineering social identities away from their antagonistic structure.

Benjamin Valentino's work *Final Solutions: Mass Killing and Genocide in the 20<sup>th</sup> Century* offers a similar approach to the study of genocide. Valentino argues that genocide and mass killing may be best understood from "a strategic perspective [that] suggests that mass killing is most accurately viewed as an instrumental policy- a brutal strategy designed to accomplish leaders' most important ideological or political objectives and counter what they see as their most dangerous threats."<sup>169</sup> Like Shaw, Card, and Harff and Gurr, Valentino criticizes the UNGC's limited definition of groups. Valentino points to classes of victims, such as the *Mischlinge*, who defy simple categorization and the inclusion of multiple discrete groups in episodes of mass killing.<sup>170</sup> Moreover, Valentino challenges the focus on identity, social structures, and scapegoating as insufficient causal explanations of the outbreak of mass violence. Mass violence occurs, Valentino argues, at a particular moment when political elites decide that mass violence is an important tool to achieve a specific outcome. According to Valentino,

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<sup>169</sup> Valentino, *Final Solutions*, 3.

<sup>170</sup> Ibid, 13.

leaders, parties, or militias initially embark on projects of societal transformation and only later turn to mass killing and genocide as a mechanism for realizing these dreams.<sup>171</sup>

Using this framework, Valentino identifies three different types of ideological regimes that participate in genocide and argues that they are responsible for the largest mass killing events in history: Communist regimes including the Soviet Union under Stalin, China under Mao Zedong, and Cambodia under Pol Pot; racial, ethnic, and nationalist movements such as Nazi Germany or the Young Turks in the Ottoman Empire; and, counter-guerrilla efforts such as the mass killing in Guatemala and Afghanistan. In each case, Valentino discerns an ideological agenda on the part elites for a grand project of social engineering. According to Valentino, famine, starvation, forced labor, and the displacement of minorities are incorporated into a prolonged process of reshaping society. When efforts to change society fail or are placed in strategic jeopardy, mass killing and genocide occur as a final strategic maneuver. The appeal of this understanding of genocide, according to Valentino, is that it includes many different forms of victimization (and hence different types of groups) while providing critical evidence about how mass killing events emerge against a backdrop of discrimination or dehumanization. Group identity is, for Valentino, incidental to the strategic decision to engage in acts of genocide and mass killing.

Valentino's approach parallels Harff and Gurr by setting aside the UNGC's emphasis on ethnic, racial, national or religious identity in favor of focusing solely on the outbreak of mass killing. However, Valentino's argument also parses the social field by treating ideology and social structure as less important elements of genocide. This has important consequences for his argument because he abstracts 'strategic decisions' from

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<sup>171</sup> Ibid, 66-70.

the larger social context in which they take place. In doing so, Valentino has difficulty explaining how decisions become ‘strategic’ in the first place. Furthermore, Valentino reads the development of ideology and social engineering as exceptional to normal democratic political affairs. Consequently, Valentino explicitly states that democratic states are largely immune to episodes of genocidal violence. As such, Valentino starkly details the dangers of Nazism, Communist China, and the Soviet Union but leaves unexplored colonial genocide in the Americas, Australia, and Africa. Indeed, Valentino’s theory succumbs to the temptation to view genocide exclusively a byproduct of state action rather than an emergent dimension of a complex social formation in which violence becomes part of the making of new forms of identity.<sup>172</sup>

An overt focus on a leader’s choices has several consequences for the study of genocide. First, it depreciates the social conditions within which these choices are made, ignores the discourses that make a ‘choice’ sensible, and neglects the fact that ‘leaders’ operate within a broader social milieu. Second, it overemphasizes states and organizations at the expense of thinking through the way in which mass violence has a vital performative function in the reformulation of identity. In this regard, Valentino’s argument loses the value of thinking in terms of group identity where acts of political control that fall short of mass murder have an similarly destructive effect on a subject group. Third, as Valentino admits, his definition of intentional killing requires must include forced deportation and labor or organized famine and disease. However, Valentino only examines these acts when leaders explicitly state or indicate that they

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<sup>172</sup> Moses, “Toward a Theory of Critical Genocide Studies.”

intend to create these effects.<sup>173</sup> The end product is a story in which violence against specific groups appears as a fundamentally irrational byproduct of anomalous ideological investments on the part of rogue leaders. Valentino thus simplifies the complex relation between acts of control, political violence, and identity in favor of producing a supposedly rational account of strategic behavior.<sup>174</sup>

What unites Valentino, Harff and Gurr, and many other scholars is a discontent with the terms of the UNGC. Social constructionists respond to this problem by highlighting the relational and constructed nature of identity, these scholars attempt to ‘disidentify’ genocide by studying mass violence as a phenomenon independent of the group that it afflicts. In effect, this converts acts of mass violence themselves into an analytical device abstracted from the context in which it occurs. However, by abstracting violence from context, this approach substitutes an intrinsic feature of group identity (racial, ethnic, religious or national identity) for an arbitrary claim that genocide emerges as a byproduct of social engineering. In this sense, this set of scholars invoke identity as an explanatory principle for the irrational outbreak of violence while, at the same time, ignoring how group identity operates differently in discrete political contexts. As such, the notion of the group at work here supports condemnation of genocide in extremely limited circumstances. Moreover, by implication, the study of mass violence ignores how processes of social exclusion subtend the mass physical killing these scholars highlight and also how those processes of social exclusion themselves contribute to the reproduction of the identity of both victims and perpetrators. Writing out the dynamic

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<sup>173</sup> Valentino’s inclusion of the Khmer Rouge is somewhat strange in these terms for two reasons. First, the distance of the Khmer from traditional forms of communism as well as the appeal of the Khmer Rouge to ethnic group in the Khmer Empire. Second, the uniqueness of the Khmer’s ‘auto-genocide,’ which did not rely nearly as forcefully on traditional Marxist or Leninist categories.

<sup>174</sup> On the distinction between extensive and intensive see Deleuze, *Difference and Repetition*, 289-294.

process that produces social violence, this scholarship begs the question why do groups remain so important to the study of genocide or mass killing at all?

### The Normative Understanding of the Group

From Lemkin, to the UNGC, to contemporary scholarship the notion of the group has undergone significant transformations. In Lemkin's case, the porous, cluttered 'national minority' or 'collective' is analogized to the autonomous legal subject. With the UNGC, the group is defined by stable predicates or categories of identity. Later scholars, troubled by the limits of the UNGC, either seek to add complexity to the group by exploring its social construction or try to abandon the notion altogether. What remains consistent across all of these efforts is the attempt to produce a notion of the group in terms of identity. Indeed, the four different formulations of the group we have seen so far could be described as applying four different procedures to arrive at a stable relationship between identity and the notion of the group. For example, Lemkin ties the group together by using an analogy between the murder of a legal individual and the genocide of a larger collectivity, while the UNGC describes the group in terms of specific static categories of identity such as race and ethnicity. Similarly, more recent genocide scholars draw heavily on normalized rubrics of identity to explain the outbreak of genocide. Although the form, substance, and nature of identity differs in each account, the normative understanding of genocide consistently rearticulates genocide as a problem of identity

The thematic repetition of the relationship between the group and identity begs two questions. First, how do different normative understandings link genocide and

identity in order to include or exclude distinct groups, events, or histories from the politics of genocide? Second, what productive effects does the link between identity, the group, and genocide have in the politics of genocide more broadly? Answering these questions requires a better understanding of the function of identity in the normative understanding of genocide or, put differently, what identity enables the notion of the group and the concept of genocide to do. I argue that identity offers the normative understanding of genocide a method for stabilizing or freezing a destructive event within a particular space and time. In other words, identity produces a rubric for thinking about genocide as an occurrence linked to a specific, determinable set of circumstances and, consequently, enables the construction of knowledge and morality surrounding genocide. Virtually every theory of genocide from Lemkin, to the UNGC, to contemporary theories repeats this series of theoretical gestures. Claudia Card, for example, defines the group by the loss of a social world and uses this distinction to extend genocide to colonial communities while explicitly rejecting corporate entities as subjects of genocide. Yehuda Bauer contends that the nature of anti-Jewish violence makes the Nazi Genocide the only real case of genocide.<sup>175</sup> While Card and Bauer come to very different conclusions, the normative understanding of the group functions in a similar fashion in both accounts. This understanding ranges from a rigid, exclusionary even explicitly violent treatment of what constitutes a subject of genocide to more supple determinations of group inclusion. Each approach places the problem of identity at the center of its considerations and determines when identity becomes meaningful according to its own logic of sense. The normative understanding of the group, and the tensions between different normative

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<sup>175</sup> Card, *Confronting Evils*, 250; Yehuda Bauer, "Comparison of Genocides," in *Studies in Contemporary Genocide*, ed. Levon Chorbajian and George Shirinian (New York: St Martin's Press, 1999), 33-34.



understandings, thus participate in the legitimation of different claims regarding the status of genocide. However, all of these claims also function as part of a broader assemblage or discursive network that increasingly prioritizes identity in global politics.

In this network, the appeal to the rubric of identity is an artifact of power, which links the concept of genocide to a discrete series of historical events. Moreover, identity plays a crucial role in the politics of genocide because it distinguishes genocide as a form of crime from other criminal categories. Put differently, what separates genocide from a crime against humanity or mass murder is the element of identity. Identity is the difference that marks the concept of genocide as *making a difference politically*. Genocide consequently constitutes a different kind of politics on the basis of the difference identity makes. Without a claim about identity, the politics of genocide would, in a sense, lose its own identity or ground to make claims about the unique value of the destruction of a group. What differentiates the normative understanding is an effort to circumscribe the forms of life that may be subject to genocide. Identity becomes, in effect, a mode of policing invocations of genocide, but also a device for governing the relationship between the outbreak of mass violence and historical understanding. By framing genocide as an event that afflicts only particular regions, religions, or social structures, identity plays an inscriptive role in placing boundaries on when, where and how genocide can be said to have taken place. In effect, identity determines *a priori* what forms of difference may be subject to genocide and ascribes how this subjection takes place. Unsurprisingly, genocide discourse tends to ascribe value to dominant registers, forms, and terms of identity at the expense of forms of life, which elude easy categorization. As such, those forms of life that differ from the images and terms of the

normative understanding are abandoned, shunted into the generic rubric of crimes against humanity, or eliminated altogether from political consideration. In this sense, the politics of genocide is caught up in a sovereign decision on the value or nonvalue of group life. As the introduction to this chapter demonstrated, these decisions have real force in global politics as they turn international attention away from one crisis, such as the DRC, and towards another, such as Darfur. Moreover, they encourage subject groups to represent themselves within specific rubrics of identity in order to receive recognition in global politics. As the first chapter described with the case of the Basarwa, the modes of recognition at stake often have a corrosive effect on the reproduction of social life by forcing groups to document their lives in accordance with Western political categories. In this regard, the limits imposed by the normative understanding produce a unification of identity-based claims in global politics.

However, the restrictions imposed on a group's self-representation are only a single example of the productive effects of the link between identity and the group. In many cases, the connection between genocide and identity actively reconstitutes a group's sense of self. By this I mean that the discourse on genocide displaces traditional narratives, practices, and rubrics of social life and becomes citational as part of a group's lineage. In this way, the normative understanding freezes the relationship between group identity, a set of historical traumas, political responsibility, and contemporary social life. This practice not only stabilizes a group's identity as victims of collective destruction it also advances an increasingly conservative image of politics as a site for the protection of predetermined identities rather than collective collaboration toward challenging political violence. For instance, demands to mourn or attend to the Nazi Genocide often

overshadow other episodes of mass atrocity on account of the special connection between Jewish identity, mass violence, and political responsibility. As a site of collective trauma, the Nazi experience has also, in many respects, produced a new set of terms of identity that so starkly structure contemporary Jewish American identity that Jewishness is often articulated more in relation to the Holocaust than religious practice. In other words, for many, to be Jewish is now to be first and foremost the subject of contemporary political violence.

What this example illustrates is how the link between identity and genocide becomes a technology of biopolitical governance where the life or destiny of a group can be managed within a specific frame of historical injury. The reification of the relations between identity, history, and politics isolate genocide to particular groups (as victims) at particular times (or events) and assigns them a priority in global politics. This new understanding of genocide, in turn, organizes how a larger set of global institutions, regimes, and states interact with a group. Genocide thus becomes an inescapable rubric that limits the capacity of many groups to change since what defines them is an institutionally bounded set of practices that continually appeal to a fixed history of injury. In a sense, genocide *becomes* the identity of a group thereby displacing and rearranging innumerable facets of group life. To draw upon Wendy Brown's brilliant discussion of how claims of injury work to depoliticize the relationship between identity and the state, genocide reproduces injurious relationships by transforming a people's entire relationship with a given state into a history of violence thereby reconstituting the state as a veritable *state of injury*.<sup>176</sup> This reconstruction immunizes broader political and social systems from scrutiny by sequestering the site of violation in a specific historical relationship

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<sup>176</sup> Wendy Brown, *States of Injury* (Princeton, N.J: Princeton University Press, 1995).

between a perpetrating entity (state or military) and a victimized identity (the group). In this way, the absence of international reflection on the crime of genocide is part of the makeup of the concept itself, which circumvents the broader reflection on the *production of identity* and the *conditions of possibility for genocide* by isolating acts of violence to select categories of identity and experiences of violence.

Democratic states work especially hard to frame histories of violence out of their narratives of self because they pose a problem for the equality that founds the dream of liberal statecraft. The notion of identity thus plays a particularly important role in positioning the history of genocide vis-a-vis the democratic legacy. Indeed, in the immediate aftermath of World War Two, the precise limits set with respect to the International Military Tribunals and the Japanese War Crime Tribunals indicate a strong effort to annul the violence of Western liberal democracies and Communist projects by isolating the origins of genocide to an ‘uncivilized’ (read radical otherness) outbreak on the part of the Nazi movement. In this regard, Leo Kuper’s argument that Western states were unwilling to accept the language of ‘cultural genocide’ because it might expose them to scrutiny understates how critical limiting the concept of genocide was for the emerging political order. The normative understanding of genocide consequently functions not only to tie a group’s history to the outbreak of mass violence, but also to establish a narrative frame that connects genocide exclusively with the Nazi Genocide in order to advance broader global political visions about the democratic and communist project.

The inclusion or exclusion of different groups thus hinges on the work of sense, which affords particular forms of life legibility in international politics. As such, the

forms of identity protected by the UNGC and defended by the normative understanding of genocide tend to reify preexisting conceptions of political life. In this way, the concept of genocide tends to politicize the destruction of groups that accord with common sensibilities about how social life is organized. Groups and events that do not fit within this frames or that fail to register as worthy of international recognition consequently disappear. Identities predicated on static, eternal, or largely unalterable relations consequently find a privileged place in the politics of genocide. However, I argue that these frames are contestable. The concept of genocide could also apply to broader, multidimensional, complex associations that form through the messy interdependencies, affinities, and assemblages that mark political life. Pushed in this direction, I contend that the concept of genocide might stretch to incorporate novel forms of political community. What limits this capacity is the work of sense, which constrains the concept of genocide to dominant registers of intelligibility. Sense anchors the concept of genocide in normative categories, which protect certain identities at the expense of others. These categories, in turn, limit the forms of political inquiry into genocide by reinforcing the importance of finding an intrinsic connection between identity and violence. This emphasis on the intrinsic importance of some forms of identity reflects a mode of political theology that both reproduces problematic constellations of international political power and sanctifies acts to save specific forms of life.

The intrinsic form of identity protected by the normative understanding also produces a certain temporal tension in the heart of the notion of the group itself. In particular, the intrinsic conception of identity affords groups a sense of permanence. The group's identity, as understood by the normative understanding, functions as the common

feature that ties together all the members of the group. The intrinsic feature of identity thus serves as a kind of organic substrate that endows the lives of the members of a group with meaning, significance, and distinction. The destruction of a group consequently takes place when this identity gets placed into jeopardy. Indeed, since Lemkin's time, genocide has been thought of as a dual phenomenon targeting the individual, but only in their capacity as a member of a group. Genocide, however, also involves the destruction of this group. The notion that a group could be destroyed implies a historical or temporal capacity for a group to disappear or cease to exist. The temporal uncertainty of the notion of destruction stands in direct tension to the permanence of the intrinsic form of identity. The normative understanding of genocide consequently endows groups with a permanence that makes it all the more difficult to apprehend their fragility, vulnerability or the possibility of their destruction.

This structure creates several problems for the politics of genocide. First, intrinsic identity renders the loss of members of a group non-genocidal since the group's identity is preserved as long as one of its members remain alive. Put differently, a group can suffer tremendous losses before it crosses a threshold where the violence directed against it becomes genocidal. Consequently, as a product of the tension in the concept, determinations of genocide always arrive too-late occurring after serious peril has already struck a group. Second, static understandings of identity endow groups with a permanence that makes them seem less vulnerable to harm. The reproduction of identity, however, requires a sustained set of practices, habits, and social continuities that replicate themselves (while varying) over time. Violence in numerous forms can afflict a group and undermine this capacity for reproduction without the individual members of a group

necessarily succumbing to mortal danger. In a sense, the damages inflicted by destructive acts may not register on the sinews of group life in an immediate way. Forms of slow death and deterioration thus constitute an insidious combination that may undermine a group's capacity to flourish in ways that elude the prescriptive notion of intrinsic identity at work in the normative understanding. In this regard, the destruction of a group may, in a sense, precede the arrival of physical violence. Yet, normative understanding of the group makes this form of destruction almost entirely illegible.

Identity consequently produces a series of political problems, which are typically ignored in the politics of genocide. The priority of intrinsic identity, in particular, makes the recognition of novel forms of life and political violence all the more difficult. Moreover, the normative understanding actively intervenes in the self-creation of numerous political communities and introduces temporal mechanics into the politics of genocide that make prevention of mass violence more challenging. However, the normative understanding of genocide offers only one interpretation of the group. An alternative, possibly more productive sense, was already at work in Lemkin's original writings on the concept. This sense of the group remains ungrounded by the analogy between murder and the destruction of the group and is audible in Lemkin's declaration that genocide constituted not an unprecedented event (for Lemkin understood it had occurred throughout history), but an event with a terrifying precedent to undermine the foundations of global politics. Genocide threatened politics because it had the capacity to sweep up states, nations and peoples into novel processes of destruction. Indeed, Lemkin offered a description of the numerous forms of genocide coordinated under Nazi Europe and explored the open-ended nature of this violence. In this respect, what was novel

about genocide was not the attempt to exterminate certain forms of identity, but the way in which genocide swept together numerous identities in a process that exposed a multitude of constituencies to death. The group's identity is, in these moments in Lemkin's writing, secondary to the terrifying realization that the politics of the nation, a preliminary to biopolitics, shifted the terrain of violence to incorporate the destruction of a multitude of communities. This danger posed a hazard because, as Lemkin remarked, it could cross boundaries, both civil and social, and reconstitute the terms of value underlying political life. The call for an open-ended notion of the group thus reflects an awareness that the horror of genocide stems less from the importance of identity than the emergence of a thanatopolitical process woven into the fabric of a biopolitical age. The value of returning to a more open conception of the group is thus not only that it challenges the limits imposed on recognition or the more conservative features of contemporary identity politics, but also that it politicizes genocide as a form of process that recurs in numerous forms in global politics. This reading implies a radically different reading of the notion of the group. It would entail, for instance, constructing the notion of the group following the lines of functional interactions, non-intrinsic relationships, or statistical distributions would radically shift the way genocide would be thought about by problematizing things such as the destruction of a city, a class or a population not marked by the same forms static identity deployed by the normative understanding of genocide. In this way, genocide opens the door for remapping the terrain of contemporary political violence by highlighting the divergent possibilities for the formation of larger political identities (either marked by identity or not). A politics of genocide guided by this open notion of the group would decouple the link between injury, identity, and politics by



acknowledging the mutual constitution of difference, identity, and destructive power. The politics of genocide would consequently 'become' along with the transformations of groups and mechanisms of destruction. Unfortunately, the paradigm currently at work in the politics of genocide insists on particular forms of identity and inscribes them into international relations. Genocide marks an injury that becomes a site of governance and political power, which carelessly overwrites difference, erases many forms of mass violence, and often acts in complicity with destructive processes. Yet, this notion of the group enables genocide to be thought of as an event defined by distinct temporal and historical boundaries, cultural codes, and thus allows genocide to become distinct from politics writ large. In this way, the politics of genocide resonates with expansive humanitarian imaginaries that licenses intervention and non-intervention depending on the particular case at hand. Behind this is a bleaker process of cynicism that thinks of life as marked by a constitutive vulnerability and of politics as corrupt at best and lethal at worst. In this vein, the group becomes a site for the operation of political power to delegitimize states, parties, and other actors and usurp their authority in order to protect certain forms of identity.

Nonetheless, groups form a critical part of the politics of genocide by distinguishing the crime from other concepts. The normative understanding links the intelligibility of groups to specific forms of identity whether analogy, predicates, or resemblances and, in doing so, renders genocide apolitical. Moreover, by making injury constitutive of identity, the normative understanding obscures the conditions of possibility for the emergence of genocide and locates genocide within a strictly unintelligible, yet knowable outside. This permits, in effect, a series of technologies of

governance to ‘rescue’ societies from themselves by imposing stable governance, territorial partitions, or permanent security apparatuses to prevent the outbreak of genocide. In this context, the concept of genocide produces a form of sense that renders these strategies necessary. A set of implicit presuppositions thus come to guide the application of the concept genocide, restricting not only the groups that count, but the very mode of composing the relationship between groups and politics. In this sense, even expanding the number of groups subject to genocide misses how the articulation of the group distances this very entity from the set of exclusions, violences or forms of power that produce it. In effect, this turns genocide into a cypher that overcodes other relations, forms of violence, and domination in accordance with one paradigm of power. This process involves all kinds of de facto exceptions, cultural biases, or social provisions that remain productive of the form of genocide intervention. For this reason, simply expanding the number of groups recognized as subjects of genocide misses how the stale reiteration of the same formula ultimately undergirds the use of the concept in contemporary politics.

#### Threshold: We Charge Genocide

In December 1951, William L. Patterson and Paul Robeson separately delivered copies of a book entitled *We Charge Genocide: The Crime of Government Against the Negro People* to a UN delegation in Paris and the UN headquarters in New York City. This book was a product of meticulous effort to document the systematic genocide of black Americans living under segregation. *We Charge Genocide* begins by stating its central contention: “out of the inhuman black ghettos of American cities, out of the

cotton plantations of the South, comes this record of mass slayings on the basis of race, of lives deliberately warped and distorted by the willful creation of conditions making for premature death, poverty, and disease...[an] ever-increasing violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.<sup>177</sup> The document continues by illustrating how various components of federal, state, and municipal policy violate the UNGC on the grounds of mass killing, inflicting mental harm, and undermining the conditions of life for members of a racial group. The petition also argues that under the terms of the UN Charter the United States, as a signatory of the UNGC, is subject to the convention and required to repeal all of its racist laws and procedures. Indeed, *We Charge Genocide* warns “the distinctive trait of this genocide is a cant that mouths aphorisms of Anglo-Saxon jurisprudence even as it kills,” and, as such, the petition explicitly appeals to representatives from India, Egypt and the broader postcolonial world to call on the US to seek justice.<sup>178</sup>

The text of *We Charge Genocide* constitutes nothing short of a scrupulous description of the systematic and structural conditions of anti-black racism in the US. It makes explicit links between statements made by the Nazi regime and the public incitement to white supremacy by American lawmakers. The text amasses hundreds of detailed descriptions and cases of lynching and killings in mass. It also illustrates the coercive effect of segregation on the health and livelihood of black Americans using a variety of statistical and sociological metrics. *We Charge Genocide* likewise includes incredible insights on the theoretical and political problems that result from placing a genocidal policy at the heart of the democratic endeavor: “White supremacy at home

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<sup>177</sup> William L. Patterson, *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People* (Civil Rights Congress, 1952), xi.

<sup>178</sup> *Ibid.*, 4.

makes for colored massacres abroad. Both reveal contempt for human life in a colored skin. Jellied gasoline in Korea and the lynchers' faggot at home are connected in more ways than that both result in death by fire. The lyncher and the atom bomb are related."<sup>179</sup> *We Charge Genocide* connects these contemporary examples of racist violence and murder to centuries old legacy of slavery, structures of corporate and economic power, and the production of political elitism.

The veracity and tenacity of many of the claims of *We Charge Genocide* are hard to question. As the document indicates, ratification of the UNGC was opposed by groups as disparate as the American Bar Association and Ku Klux Klan on account of the potential for the treaty to change domestic politics. Evidence, *We Charge Genocide* contends, of the vitality of racism to the current American legal order. Indeed, even a separate review of the document by officials within the Justice Department found *We Charge Genocide* incredibly meticulous and convincing.<sup>180</sup> Given its credibility, the book posed a serious danger to established interests on a number of fronts. For instance, if accepted by the UNGC, *We Charge Genocide* would have obvious repercussions on the formal policy of segregation throughout the United States. Moreover, the petition disrupted an American strategy at the UN to use the human rights agenda to undermine the credibility of the Soviet bloc. In this sense, *We Charge Genocide* actualized the fears of a set of forces committed to the status quo. As a result, the US worked to undermine the petition. The US embassy attempted to seize Patterson's passport when he arrived in

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<sup>179</sup> Ibid, 7.

<sup>180</sup> Carol Anderson, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*, y First edition (Cambridge, UK ; New York: Cambridge University Press, 2003), 181-201.

Paris and impeded his efforts to communicate with other delegates.<sup>181</sup> Eleanor Roosevelt, who was a significant figure in the promotion of the human rights agenda, vehemently attacked *We Charge Genocide*.<sup>182</sup> Even Raphael Lemkin espoused his disagreements with notion that segregation constituted a form of genocide. However, the petition was ultimately dismissed on the grounds that *We Charge Genocide* demonstrated the existence of ‘economic’ rather than ‘racial’ genocide and, as such, was not covered by the terms of the UNGC.<sup>183</sup>

As contemporary scholars have noted, *We Charge Genocide* also had its limits. The text reproduces a Eurocentric understanding of racism and was, in fact, largely written with communist and economic conditions in mind.<sup>184</sup> Nonetheless, the history of this document reveals several important insights into the politics of genocide and the legacy of the notion of the group. For example, dominant narratives about the American reluctance to ratify the UNGC often frame these objections in terms of a concern for national sovereignty. What the legacy of *We Charge Genocide* reveals, to the contrary, is the racialization of these arguments and the explicit awareness and even acceptance that racist policies in the US constituted a form of genocide. The fact that the US appears in one of the first formal indictments on the basis of genocide is likewise excluded from dominant histories on the subject. Moreover, the example shows that the UNGC’s protections achieved force of law only with implicit or constitutive exceptions in place

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<sup>181</sup> Ibid, 195.

<sup>182</sup> Ibid, 201.

<sup>183</sup> Ibid.

<sup>184</sup> See for instance Barnor Hesse, “Self-Fulfilling Prophecy: The Postracial Horizon,” *South Atlantic Quarterly* 110, no. 1 (December 21, 2011): 155–78; Joy James, “The Dead Zone: Stumbling at the Crossroads of Party Politics, Genocide, and Postracial Racism,” *South Atlantic Quarterly* 108, no. 3 (June 20, 2009): 459–81.

for marginalized groups.<sup>185</sup> The normative understanding of genocide consequently emerges with potent limits on what forms of group life may make claims regarding the status of genocide.

However, the defeat of *We Charge Genocide* is equally interesting. The decision to disregard the case on the basis of the type of group identity (economic versus racial) strongly suggests a willful effort to disregard the legacies of anti-black racism. Moreover, it constitutes a manipulation of the terms of the normative understanding for the purposes of evading the implications of the UNGC. The success of this manipulation required the UN delegates to prioritize the different acts constitutive of genocide rather than the explicit racial animus behind segregation. By studying this series of actions, the UN could conclude that the acts of destruction constituted economic rather than racial genocide. The concern for the type of group was consequently displaced in favor of a close reading of the different acts of destruction directed against the population such as mass killings, inflicting mental harm, and producing conditions inimical to group life. In other words, faced with exemplary evidence of the ongoing genocide in the United States, evidence even US officials conceded was very convincing, the UN appealed to the destruction part of the concept to dismiss allegations about the group subject to genocide. The acts of destruction, the UN implicitly claimed, demonstrated that the real target of segregation was an economic rather than racial group and was therefore not subject to the protection of the UNGC. Setting aside the terrifying duplicity of this maneuver, the defeat of *We Charge Genocide* illustrates how the notion of the group emerges in relation to the notion of destruction and, moreover, reveals a constitutive relationship between

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<sup>185</sup> João H. Costa Vargas, "Genocide in the African Diaspora United States, Brazil, and the Need for a Holistic Research and Political Method," *Cultural Dynamics* 17, no. 3 (November 1, 2005): 267–90.

acts or processes of destruction and the groups destroyed. In the case of *We Charge Genocide*, the connection between groups and destruction was abused for the purposes of depoliticizing the petition and safeguarding forms of exclusion implicitly written into international law. Yet, this connection also opens up new grounds for rethinking the notion of genocide in order to counter the hegemony of the normative understanding and its insistence on particular forms of static identity. As the next chapter discusses, if destructive acts constitute the groups subject to genocide then the birth of new processes of destruction would force us to similarly introduce new, emergent subjects of genocide. The enormous effort expended to defeat *We Charge Genocide* illustrates the explosive capacity for the concept of genocide to politicize conditions in a way that threatens social orders at the deepest level.

## Chapter 3: Destruction

A significant portion of genocide scholarship and activism is dedicated to the undeniably important exercise of comparing different episodes of identity-based mass killing.<sup>186</sup> The previous chapter demonstrates how these efforts are often oriented around the question of what groups or identities constitute legitimate subjects of genocide. However, identity is only one component of the concept of genocide and the intense focus on identity, while important, muddles a different part of the concept dealing with ‘destruction.’ Indeed, the presumption that genocide denotes the *fact* or *occurrence* of mass killing, rather than a multifaceted *process* of destruction, is a product of the normative understanding of genocide.<sup>187</sup> This chapter argues that the discursive reduction of destruction to mass killing is problematic for three reasons. First, it produces a form of scholarship that examines specific empirical outcomes rather than the conditions and practices fostering the emergence of mass violence. Second, the focus on mass killing excludes other notions of destruction that were previously incorporated into the discourse of genocide and ultimately limits our understanding of how genocide occurs. Third, this

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<sup>186</sup> R. J. Rummel, *Death by Government* (New Brunswick, N.J.: Transaction Publishers, 1997); Manus I. Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge; New York: Cambridge University Press, 2005); Valentino, *Final Solutions*; Barbara Harff and Ted Robert Gurr, *Ethnic Conflict In World Politics*, 2nd edition (Westview Press, 2003).

<sup>187</sup> The first chapter of the dissertation discusses at length what I mean by the ‘normative understanding of genocide.’ In the abstract, it may seem that I am criticizing normative theory or the notion of making normative claims. This is not my intention as I explain at the beginning of the dissertation. To be brief, by ‘the normative understanding of genocide,’ I refer to a set of discursive practices that historically emerged in the later part of the 20<sup>th</sup> century. These practices consolidated around an exclusive interpretation of genocide as a form of mass killing, characterized by a strong notion of intention, directed at static group categories (racial, ethnic, religious, national). Moreover, theorists of the normative understanding of genocide sought to develop a morally transparent, consensus definition of genocide based in a set of popular images from the Nazi experience and actively worked to exclude other interpretations of the concept. The proponents of the normative understanding also worked to actively discredit other interpretations of genocide in the process of formalizing their work despite ample legal, academic, and historical precursors that point to a far broader version of the term. In some sense, my work also calls for a ‘normative understanding of genocide, but seeks to broaden the concept and make it more flexible rather than restrict it for definitional purposes. The normative understanding I describe throughout this chapter is thus a historically specific treatment of the concept of genocide.



interpretation conceals what I refer to as the ‘productive dimension’ of destructive processes. By ‘productive dimension,’ I mean the capacity of destructive processes to create new forms of violence and political identity. The productive dimension of destruction complicates the static ontology underlying the normative understanding of genocide.

Historically, the primary challenge to the normative understanding of genocide has come in the form of scholarship on ‘cultural genocide.’ Cultural genocide theorists treat groups (the entities destroyed by genocide) as qualitatively different entities from the human beings that compose them.<sup>188</sup> Consequently, scholars of cultural genocide have examined a broader array of destructive practices, such as displacement, restrictions on marriage, or the elimination of language, as constitutive of genocide and discussed the relationship between these practices and politics in greater detail. Unfortunately, the notion of cultural genocide has been marginalized since the creation of the UNGC and the subsequent rise of the normative understanding of genocide. The socio-cultural component of genocide has thus turned into little more than an identity-marker of group membership. This supports a highly restricted concept of genocide defined by the mass killing of individuals based on predefined identity categories, which effectively transforms genocide into a hate crime on a massive scale.

Scholars of cultural genocide not only incorporate different acts into the concept, but also develop a more dynamic notion of genocide based on complex socio-political

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<sup>188</sup> See for a sample Tony Barta, “After the Holocaust: Consciousness of Genocide in Australia,” *Australian Journal of Politics & History* 31, no. 1 (April 1, 1985): 154–61; David E. Stannard, *American Holocaust: The Conquest of the New World*, Reprint edition (New York: Oxford University Press, 1993); Churchill, *A Little Matter of Genocide*; Professor Lawrence Davidson, *Cultural Genocide* (New Brunswick, N.J: Rutgers University Press, 2012); Damien Short, “Cultural Genocide and Indigenous Peoples: A Sociological Approach,” *The International Journal of Human Rights* 14, no. 6 (November 1, 2010): 833–48; Christopher Powell, *Barbaric Civilization: A Critical Sociology of Genocide* (Montreal: McGill Queens University Press, 2011).

interactions. In doing so, theorists of cultural genocide reveal how destruction, as a productive process, generates new mechanisms, techniques, and forms of violence.<sup>189</sup> Moreover, cultural genocide theorists allude to the possibility that destructive processes,<sup>190</sup> through practices of otherization and securitization, can create the very groups they destroy.<sup>191</sup> Despite suffering gratuitous violence, these groups often elude the fixed identity categories associated with genocide, and the violence directed against them rarely produces a widespread reaction because they are implicitly disqualified as subjects of genocide according to the normative understanding. Destruction thus has an equally potent role in how the intelligibility of the concept of genocide becomes implicated in contemporary politics.

In order to describe this process, this chapter outlines the discursive history of ‘destruction’ as part of the concept of genocide, examining how different techniques, rubrics and practices came to be understood as acts, modes or forms of genocide. Beginning with Lemkin’s exhaustive discussion of the techniques of genocide and ending with the now-dominant focus on mass killing, this chapter is organized into four

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<sup>189</sup> By productive process, I do not mean that genocide creates new identities in the wake of mass killing, but rather that the unfolding of mass violence includes the assembling of weapons, tools, bodies, and circumstances in novel ways. The element of process is important because social theorists of genocide show that different events include a multiplicity of forms and actions that cannot be easily reduced to mass killing, although this is an undeniably important part of the concept. I use the terms productive, generative, or constitutive interchangeably to describe how dynamic processes both create new mechanisms or techniques of destruction as well as the groups and identities they destroy. Destruction is productive only in the sense that it creates new practices and identities that emerge in a process not because it has ‘redeemable’ features.

<sup>190</sup> While I use similar language my understanding of the destructive process differs from Jacques Semelin’s by focusing on the productive dimensions of destruction. Semelin, *Purify and Destroy*, 229.

<sup>191</sup> Alexander Laban Hinton, *Why Did They Kill?: Cambodia in the Shadow of Genocide*, 1st Edition (Berkeley: University of California Press, 2004); A. Dirk Moses, “Moving the Genocide Debate Beyond the History Wars\*,” *Australian Journal of Politics & History* 54, no. 2 (June 1, 2008): 248–70.; Levene, *Genocide in the Age of the Nation State*; Bloxham, *The Final Solution*.

sections.<sup>192</sup> The first section turns to Lemkin's work and the subsequent drafts of the UNGC in order to explore the early thinking on destruction. This section illustrates how the creation of the UNGC limited the notion of destruction and set the stage for the appearance of the normative understanding of genocide. The second section evaluates two divergent trends with respect to genocide scholarship: the consolidation of a normative understanding of genocide that equates destruction with mass killing and a minor tradition revitalizing the notion of cultural genocide. This section compares the normative understanding's static ontology and focus on the *fact* of destruction with the implications of cultural genocide's dynamic ontology and emphasis on the *process* of destruction. The third section discusses several problems that result from the presumption that destruction simply means mass killing. In particular, it highlights how this normative understanding obscures the emergence of new forms of mass violence and promotes practices of genocide prevention that often exacerbate conflict. The final section explores the implications of these ontologies for the politics of genocide. In particular, it argues that a dynamic notion of 'destruction' is essential when theorizing the constitutive power of destruction in the politics of genocide.

### Lemkin and the Genocide Convention

The notion of destruction is arguably the most important part of Lemkin's formulation of genocide. Lemkin first describes genocide as "the *destruction* of a nation or of an ethnic group."<sup>193</sup> However, genocide could not be reduced to a single type of killing such "tyrannicide, homicide, infanticide [because]...genocide does not necessarily

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<sup>192</sup> Lemkin invented the neologism genocide and wrote copiously on the subject for half a decade prior to its adoption as language in international law.

<sup>193</sup> Lemkin, *Axis Rule in Occupied Europe*, 79, my emphasis.

mean the immediate destruction of a nation except when accomplished by mass killings of all members of a nation.”<sup>194</sup> Rather, Lemkin thought genocide involved a variety of acts that destroy “the essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”<sup>195</sup> In these lines, Lemkin states plainly that mass killing is only one aspect or form of genocide among others.

Lemkin also conceptualizes genocide as a type of war that extends and accomplishes strategic aims even in times of peace. While contemporary genocide scholars such as Martin Shaw and Scott Straus stress war’s relationship to genocide, they do so primarily to consider how genocide becomes a strategic priority in armed conflict.<sup>196</sup> Lemkin’s text hints at something deeper: genocide is an innovation of the practice of war. For Lemkin, the insidious novelty of Nazism lay in the fact that the Nazis directed their campaigns against a people rather than a state. For Lemkin, this meant that the existing laws of war were crucially out of step with the reality of genocide. Read in this light, Lemkin evinces an awareness of the fluid relationship between war, genocide, and a multitude of practices of violence. This awareness motivated Lemkin to write such exhaustive descriptions of different techniques of genocide and insist on a generic definition of genocide that could not be reduced to a specific type of destructive act.

Lemkin’s discussion of different techniques of destruction includes political, social, cultural, economic, biological, physical, religious, and moral forms of genocide.<sup>197</sup> Each of these techniques imperils different elements of group life. His description of physical techniques, for instance, includes practices such as racial discrimination in

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<sup>194</sup> Ibid, 79.

<sup>195</sup> Ibid, 79.

<sup>196</sup> Shaw, *What Is Genocide?*; Straus, *The Order of Genocide*.

<sup>197</sup> Lemkin, *Axis Rule in Occupied Europe*, 82.

feeding, endangering health, and mass killing.<sup>198</sup> ‘Social techniques’ include the destruction of local legal and court systems or attacks on established clergy. ‘Political techniques’ include limiting the creation of political parties, and ‘cultural techniques’ include compulsory education, exclusion from “the benefit of liberal arts studies” and “rigid control of...painting, drawing, sculpture, music, literature, and theatre.”<sup>199</sup>

Techniques of destruction thus range from bodily injury to the sale of pornography.

Lemkin also creates a list of ‘biological’ techniques of genocide that included fostering undernourishment, separating men and women, or forbidding marriages.<sup>200</sup> Here, Lemkin extends the sense of ‘biological’ in surprising ways. Lemkin’s complete list of techniques suggests that his understanding of destruction is porous and open-ended, fusing elements of social and biological life to the body. This list is also guided more by the question of whether a practice jeopardizes a group’s existence than the character of a specific act such as racially discriminate killing. Indeed, as Claudia Card argues, Lemkin articulates a version of genocide as social death, which does not necessitate the death of every member of a group so much as the annihilation of a social world.<sup>201</sup>

Before turning to the UNGC, it is important to consider how Lemkin situates genocide in the broader context of war. Early in *Axis Rule* he writes: “genocide is the antithesis of the Rousseau-Portalis Doctrine...[which] holds that war is directed against sovereigns and armies, not against subjects and civilians.”<sup>202</sup> He warrants this observation by stating: “the Germans prepared, waged, and continued a war not merely against states

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<sup>198</sup> Ibid, 87-89.

<sup>199</sup> Ibid, 84.

<sup>200</sup> Ibid, 86-87.

<sup>201</sup> This point is eloquently argued by Claudia Card, “Genocide and Social Death,” *Hypatia* 18, no. 1 (January 1, 2003): 63–79.

<sup>202</sup> Lemkin, *Axis Rule in Occupied Europe*, 80.

and armies but against peoples.”<sup>203</sup> This transformation of the object of war has a series of repercussions on the practice, strategy, and logistics of the Nazi campaign. In particular, as the goals of war detach from territorial acquisition and state power, the meaning of victory undergoes a modification so that winning or losing a battle no longer matters. Rather, the successful destruction of a people becomes the new metric for assessing the outcome of war regardless of how this objective is achieved. Lemkin spells out this new logic of war: “Because the imposition of this policy of genocide is more destructive for a people than injuries suffered in the actual fighting, the German people will be stronger than the subjugated peoples after the war even if the German army is defeated. In this respect genocide is a *new technique of occupation aimed at winning the peace even though the war itself is lost.*”<sup>204</sup> For Lemkin, destruction occurs as a form of war, which takes the people as object and, consequently, involves a multiplicity of techniques, practices, and methods irreducible to traditional forms of conflict. These observations also help to explain why Lemkin was hesitant to endorse a static or generic definition of genocide because this definition would overemphasize one aspect of the Nazi war effort rather than looking at the broader context of a war against a people. It also clarifies Lemkin’s insistence on the creation of an international law prohibiting genocide. For Lemkin, genocide, as a form of politics, spells the end of a system of international law based on rights and reciprocity because it subordinates the principles of sovereignty to biological priorities. The creation of the UNGC, which Lemkin pursued until the end of his life, was supposed to rebut this possibility and restore the viability of an international legal framework.

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<sup>203</sup> Ibid, 80-81.

<sup>204</sup> Ibid, 81, my emphasis.

What stands out in Lemkin's remarks is his attentiveness to how genocide marks a shift in the practices of war. He identifies war's new objects (nations, groups, people) as well as corresponding shifts in the practices of war (starvation, ghettoization, malnutrition, killing), and the priorities of war (destruction of a populace rather than acquisition of territory). Indeed, what Lemkin describes is that genocide constitutes a novel *logistic* of war with reverberations throughout its structure, function, and form. Lemkin's insight, which few genocide scholars have discussed, is that war and genocide exist in a state of virtual indistinction.<sup>205</sup> This poses a challenge to studies of armed conflict and genocide that subscribe to a standard accounts of armed conflict. According to this account, genocide is a perversion of war rather than a process co-extensive with it. By contrast, genocide, for Lemkin, the emergence of different techniques of destruction constituted a new process, which he identified as genocide. Unfortunately, the revolutionary significance of this insight was slowly eroded in the creation of the UNGC.

The text of the UNGC provides a list of acts of destruction in Article 2 that, according to William Schabas, reflects an intention on the part of the drafters of the Convention to limit Lemkin's definition of genocide to physical killing.<sup>206</sup> Schabas argues that the category of 'cultural genocide' in particular "had hit a nerve with several countries who were conscious of problems with their own policies towards minority groups, specifically indigenous peoples and immigrants."<sup>207</sup> By linking genocide largely to direct, physical violence, many states could continue these policies while still

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<sup>205</sup> By virtual, I refer to competing potentialities that coexist and exert influence on the present. These potentials possess exert real force in destructive processes and, I argue following Lemkin, ensure all wars harbor the conditions for the emergence of genocide. For more on the virtual see Brian Massumi, "National Enterprise Emergency Steps Toward an Ecology of Powers," *Theory, Culture & Society* 26, no. 6 (November 1, 2009): 153–85.

<sup>206</sup> "Convention on the Prevention and Punishment of the Crime of Genocide."

<sup>207</sup> Schabas, *Genocide in International Law*, 212.

condemning genocide. Schabas' observation is no doubt accurate, but his claim downplays the variations between different drafts of the UNGC. For instance, the final draft of the UNGC refers to mental harm, forcible transfer of children, and the creation of conditions inimical to group life. These references contain residues of a more expansive notion of destruction, which, I argue, was forceful during the drafting process.<sup>208</sup> Indeed, the changes between the Secretariat draft, Ad Hoc Committee draft, and final version of the UNGC reveal fundamental changes in the notion of destruction from Lemkin's original writings.

The Secretariat draft divides acts of genocide into three different categories: physical, biological, and cultural. Physical genocide is described as acts "causing the death of members of a group or injuring their physical integrity" and reflects Lemkin's conviction that assaults on a group could take numerous forms.<sup>209</sup> The list of practices under this category includes individual executions, lack of proper housing, clothing, food or medical care, forced labor, excessive punishment, medical experiments, looting, denial of housing, and the curtailment of work. The draft also addresses acts of 'biological genocide' such as the restriction of birth by sterilization, compulsory abortion, segregation or obstacles to marriage. Lastly, it includes a category of cultural genocide that involves destroying characteristics of a group by transferring children, systematic exile, prohibition of national language, elimination of books or religious work, or the destruction of historical, religious and artistic monuments, documents or objects.<sup>210</sup>

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<sup>208</sup> "Convention on the Prevention and Punishment of the Crime of Genocide."

<sup>209</sup> UN Secretariat, "Convention on the Prevention and Punishment of the Crime of Genocide- Secretariat Draft," May 1947.

<sup>210</sup> Ibid.



The Secretariat draft follows closely from Lemkin's work and, more importantly, describes a multiplicity of forms of genocide. This multiplicity admits interplay between the social and biological aspects of a group and considers each practice as constitutive of a broader crime. The criteria guiding the inclusion of an act in each case is whether or not the enumerated technique contributes to the destruction of group life, where life is understood in a broad and complex sense. The preamble to the Secretariat Draft (removed from later drafts) illuminates this sentiment further: "In this Convention, the word 'genocide' means a criminal act directed against *any* one of the aforesaid groups of human beings, with the purpose of destroying it in whole or in part, or *of preventing its preservation or development.*"<sup>211</sup> The framing of the Secretariat Draft suggests that the object of genocide extends beyond the biological life of each member of the group. In this sense, the Secretariat draft establishes no principle for valuing or prioritizing one form of destruction over another and preserves the multidimensional element of destruction as constitutive of genocide.

The Ad Hoc committee's draft of the convention alters the Secretariat's draft in three ways.<sup>212</sup> First, it eliminates the description of acts constituting the three different types of genocide. Mutilations, insufficient hygiene, and looting become the more indistinct formulation: 'inflicting on members of the group measures or conditions.' Second, the Ad Hoc draft restricts the notion of 'cultural genocide' by eliminating the article referring to the transfer of children and forced exile. A variety of practices of forcible population transfer and the dislocation from homeland disappear as elements of social life. Third, the draft marks a subtle transition from a general concern with violence

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<sup>211</sup> Ibid, my emphasis.

<sup>212</sup> Ad Hoc Committee of the Economic and Social Council, "Convention on the Prevention and Punishment of the Crime of Genocide- Second Draft," May 10, 1948.

and privation to a more exclusive focus on mass killing by eliminating most references to control over the conditions of a population's everyday life.<sup>213</sup> This represents a shift away from the empirical detailing of acts of destruction toward a more constrained system of categorization.

The limitations imposed on the notion of destruction become more transparent with the final text of the UNGC. The UNGC defines destruction largely as physical death and eliminates most cultural, social and other non-physical forms of destruction.<sup>214</sup> In doing so, as Leo Kuper argues, colonial, imperial and communist states avoid the repercussions of endorsing 'cultural' genocide.<sup>215</sup> However, the act of excluding these cultural, social and other non-physical forms of destruction is problematic not only because it damages our understanding of the complexity of genocide, but because it also implicitly legitimizes practices otherwise called into question by the Secretariat's draft and Lemkin's writings as practices of population control and management. Indeed, read in light of Michel Foucault's distinction between a biopolitics that optimizes life and a sovereign power that takes it, the final text of the UNGC bans only the extreme exercise of sovereign power, opening the way for extensive optimization of life even at the cost of its destruction by other means.<sup>216</sup> Indeed, the reluctance of numerous states to incorporate non-physical forms of destruction into the UNGC reveals how deeply these practices were already institutionalized as part of the backdrop of colonial population management. In this respect, the UNGC's ultimate definition of genocide, in a sense, undermines the effort to politicize the destruction of a people by thinking this process exclusively in

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<sup>213</sup> In particular note the absence of any emphasis on debilitation, deprivation, mutilation when not expressly linked to physical death.

<sup>214</sup> "Convention on the Prevention and Punishment of the Crime of Genocide."

<sup>215</sup> Kuper, *Genocide*, 85.

<sup>216</sup> Foucault, *The History of Sexuality, Vol. I*, 136-137.

terms of physical killing and setting aside the wayward effects of non-physical acts on the viability of certain forms of life. Put simply, in a biopolitical age the life or death of a group rarely hinges exclusively on technologies of physical killing. However, this remains by far the most prevalent understanding of genocide under international law.

Another important element of the UNGC concerns the operation of sense. The second chapter demonstrates how the static predicates of identity detailed by the UNGC implicitly link group identity to biological life since the body harbors the intrinsic identity of a group. Here too, the priority assigned to the act of killing hinges on a sense that threats to biological life constitute the only threat to the viability of the group life. The groups under threat are, consequently, predetermined reservoirs of identity. What gets left out of this account of destruction is the way in which processes of destruction intersect with the creation of new forms of identity. Indeed, as Alexander Laban Hinton argues, annihilating difference is also a way of producing difference.<sup>217</sup> The destructive process of genocide often produces the groups subject to destruction both because of discourses of otherization on the part of genocidaires and the way destructive processes work on a mobile, diffuse social body. The emphasis on biological destruction misses this constitutive dimension of destructive processes, opting instead for a static ontology that privileges the *fact* of destruction over the *process* of destruction and sets the stage for the development of the normative understanding of genocide.<sup>218</sup>

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<sup>217</sup> Alexander Laban Hinton, *Annihilating Difference: The Anthropology of Genocide* (Berkeley, Cal.: University of California Press, 2002), 10.

<sup>218</sup> It is important to note that this is both an empirical and aesthetic problem. From the empirical side, the separation of mass death from context can be resolved by accounting for the history leading up to a mass killing. However, this form of reading depends on the aesthetic perspective that the killing is the culmination of the prior process. Lemkin's position that all forms of non-physical destruction still constitute genocide rebuts this aesthetic model. By subordinating destruction to killing, the normative understanding privileges both the focus and study of genocide on an element that obscures the thicket of

## New Developments in Destruction

By the start of the 1960s, due to rising concerns about the Cold War, the defeat of the anti-segregation movement based on genocide, the rise of self-determination discourse, and serious ambiguities regarding the implementation of the UNGC, the concept of genocide slipped out of international discourse.<sup>219</sup> By the late 1970s, however, genocide had once again become a prominent political problem. Bertrand Russell and Jean-Paul Sartre's highly publicized trial of the United States for genocide in the Vietnam War drew attention to the concept amongst the Euro-American left. At the same time, details of the Cultural Revolution and the publication of *The Gulag Archipelago* by Aleksandr Solzhenitsyn, which appeared for the first time in 1973, brought to light mass atrocities in the Soviet Union. In the meantime, massacres (not consistently called genocide) in Cambodia, East Pakistan/Bangladesh, and Nigeria became subjects of international concern. All of a sudden anti-communist conservatives, anti-colonialist movements, and pro-democracy leftists found a common object of concern: genocide.

In the US, the Vietnam War and widespread discomfort with American militarism instigated a moral discourse about international politics.<sup>220</sup> This new discourse situated genocide in the context of a broader human rights agenda and located the UNGC and Universal Declaration of Human Rights (UNHCR) in the same progressive post-war legal moment. This continuity was a fiction. During the creation of the UNGC, Lemkin was openly hostile to the human rights agenda; he felt that it worked against his more

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conditions producing genocide by searching for some static criteria of the *genocidaire* that differentiates them.

<sup>219</sup> Moyn, *The Last Utopia*, 219-220.

<sup>220</sup> Ibid, 224.

ambitious project of outlawing genocide.<sup>221</sup> Nonetheless, a genocide discourse emerged amidst of the scandals of Vietnam, the growth of Holocaust consciousness, and public awareness of mass violence in Nigeria, Cambodia, and elsewhere, so human rights and genocide were understood as two components of a single cohesive project.<sup>222</sup> Consequently, acts of cultural genocide were interpreted as lesser ‘human rights violations’ while genocide came to be understood exclusively as mass murder.<sup>223</sup> This framework established the conditions for the development of the normative understanding of genocide.

Three elements of these new discourses stand out. First, genocide was recoded as part of a larger struggle for an ethical international order and, for the first time, opposing genocide became a principal way to gain moral currency in international politics.<sup>224</sup> Second, the growth of Holocaust consciousness in America, which began during the late 1960s and early 1970s, became an essential reference for the politics of genocide. This made the Nazi genocide the standard for assessing whether acts of genocide were taking place.<sup>225</sup> Third, genocide was seen as ineffective at describing the mass murders of

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<sup>221</sup> Human rights depend on a notion of the individual as a bearer of rights. Genocide, in contrast, hinges on a notion of group identity, which stands in contrast even to the language of collective rights. Lemkin expressed explicit concern that human rights would miss many practices that were not of any tangible ill-effect on the individual, but severely undermined the life of the group. The return to genocide in the 70s, following the disappearance of the last collective rights agenda is, perhaps, of no coincidence. For more on the racial context of the human rights agenda see. Mazower, *No Enchanted Palace*.

<sup>222</sup> Novick, *The Holocaust in American Life*.

<sup>223</sup> This link was underscored by the fact that one of the sole commentators to discuss genocide in the period between the early 1950s and late 1970s, the Dutch Lawyer Pieter Drost, defined genocide as “the deliberate destruction of physical life of individual human beings by reason of their membership in any human collectivity as such.” In this way, Drost’s definition, while more inclusive with respect to groups than the UNGC, reified the notion that only physical forms of destruction were constitutive of genocide. As one of the sole commentaries, Drost’s work supplied textual support to the notion that genocide was the same as mass murder. Pieter Nicolaas Drost, *The Crime of State : Penal Protection for Fundamental Freedoms of Persons and Peoples* (A.W. Sythoff, 1959), 125.

<sup>224</sup> Moyn, *The Last Utopia*, 223.

<sup>225</sup> Ibid.; A. Dirk Moses, “PARANOIA AND PARTISANSHIP: GENOCIDE STUDIES, HOLOCAUST HISTORIOGRAPHY, AND THE ‘APOCALYPTIC CONJUNCTURE,’” *The Historical Journal* 54, no. 02 (June 2011): 555-556.

Communist states, which were principally organized around political distinctions. Indeed, debate emerged around the concept of ‘politicide’ as a necessary supplement to the UNGC.<sup>226</sup> The discourse of state morality, the centrality of the Nazi Genocide, and the concern for ‘politicide’ came to define the normative understanding of genocide as mass killing.<sup>227</sup>

Perhaps the exemplar of this normative understanding is RJ Rummel’s work on ‘democide.’ Rummel’s research begins from the categorical belief that “power kills; absolute power kills absolutely.”<sup>228</sup> He translates this proposition into a claim that the rate of murder in a given state is directly correlated with the type of government. Drawing on statistics of death in war and genocide, Rummel concludes that historically non-democratic governments are responsible for the greatest amount of death. What is of interest in Rummel’s account, however, is his desire to innovate the concept of democide alongside genocide. As Rummel puts it:

Because of such questions scholars have generalized the meaning of ‘genocide.’ In some cases it has been extended to include the intentional killing of people because of their politics or for political reasons, even though this aspect was explicitly excluded from the Genocide Convention. Some scholars have extended the definition of genocide to cover any mass murder by government. Some have stretched the concept much further, for example by characterizing the unintentional spread of disease to indigenous populations during European colonization, including that in the American West. To all these scholars, the critical aspect of ‘genocide’ is intentional government killing. All this is confusing. Both the nonkilling aspect of ‘genocide’ and the need to have a concept that covers other kinds of government murder have led to the following being called genocide: the denial of ethnic Hawaiian culture by the U.S.-run public school system in Hawai’i; governmental policies that let one race adopt the children of another race; African slavery by Whites; South African Apartheid; the murder of women by men; death squad murders in Guatemala; deaths in the Soviet Gulag; and of course, the Jewish Holocaust. The linking of such diverse acts or deaths under one label created an acute conceptual problem that begged for the invention of a new concept that covers and is *limited* to intentional governmental murder.<sup>229</sup>

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<sup>226</sup> Harff and Gurr, “Toward Empirical Theory of Genocides and Politicides,” 359.

<sup>227</sup> It is important to note the existence of exceptions to this tendency such as the Whitaker report. However, even alternative conceptions of genocide often prioritized the outbreak of killing as the main feature of genocide. Kuper, *Genocide*.

<sup>228</sup> Rummel, *Death by Government*, 1.

<sup>229</sup> Ibid, 34.

Rummel's argument is telling in two respects. First, he treats genocide as a confusing concept on account of its application to so many different issues. This, he surmises, includes absurd examples that detract from state-sanctioned mass killing. Second, Rummel contends state sanctioned mass murder constitutes the sole phenomenon of interest to genocide scholars

Rummel's position has been contested on a variety of grounds: he groups together many different political events, he attributes deaths to states that are inadvertent byproducts of war, and he draws a fairly arbitrary distinction between democratic, authoritarian and totalitarian state types. Nonetheless, his argument is important because of the way it contributes to the elaboration of mass killing as the exclusive act defining destruction and genocide. Rummel uses this definition to engage in a comparative assessment of historical events in order to locate the authoritarian state structures at the root of all political violence. This tendency is most evident in his discussion of 'absolute power,' a term he employs without discussing what constitutes power, how power operates, or how states exercise power.<sup>230</sup> Rummel's work is littered with these kinds of common sense and normative assertions regarding both concepts and the phenomena they describe. In this way, his work reproduces the three elements of the new discourse on genocide: employing a moral discourse on international politics (evident in his absolute distinctions regarding the use of violence), using Nazi mass murder as a primary historical referent for genocide (explicitly in his comparison of different regimes), and extending genocide to politically-motivated murder (implicit in the notion of democide). While Rummel's argument enables him to make summary judgments regarding the

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<sup>230</sup> Ibid.; See also R. J. Rummel, *War and Democide Never Again* (Llumina Press, 2010).

morally corrupt character of state power, his analysis does little to explain how, why, or where episodes of mass killing emerge. Indeed, Rummel's argument proceeds by giving epistemological priority to the fact of mass death and then tracing a common set of conditions, state power, that were present in all of these episodes. By doing so, Rummel is able to set up the democratic state as the ultimate antidote to genocide. Genocide consequently becomes antithetical to the nature of open, liberal, and secular societies. Rummel's argument thus covers over the destructive process, which includes a multiplicity of techniques, in order to frame democracy as fundamentally the best form of government. In doing so, he sets in motion a normative understanding that actually limits the explanation of the destructive process producing outcomes like mass killing in order to ground a moral judgment on the legitimacy of different forms of state practice. While this argument makes sense in the context of the antistatist politics present in both anti-war and anti-communist milieu of the 1970s, it promotes an understanding of destruction that becomes more and more pernicious.<sup>231</sup>

Indeed, the normative understanding of destruction at work in Rummel's study extends to contemporary genocide scholarship. A more recent example is Manus Midlarsky's *The Killing Trap*. Midlarsky's study focuses on the "transition from genocidal behavior-the tendency to massacre *some* people having a particular ethnoreligious identity-to genocide itself wherein the mass murder is systematically extended to include *all* people with that identity."<sup>232</sup> He defines genocide as "the state-sponsored systematic mass murder of innocent and helpless men, women, and children

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<sup>231</sup> To be clear, I am questioning the moral onus Rummel places on state institutions as sources of evil practice not the horrific consequences of mass death.

<sup>232</sup> Midlarsky, *The Killing Trap*, 5.



denoted by a particular ethnoreligious identity.”<sup>233</sup> Midlarsky’s project explains the emergence of genocide from policies of massacre by adopting a rational or strategic choice approach to the study of mass killing.<sup>234</sup> According to his model, genocide occurs as a form of compensatory ethnoracial murder initiated by a state that perceives forthcoming territorial and economic losses under conditions of instability and minority vulnerability. He links this dynamic to great power competition, which fosters insecurity and leads to the territorial and economic losses that provoke massacres. Midlarsky’s project is an admirable effort to extend the insights of rational choice theory and realpolitik to the question of genocide without resorting to cliché generalizations about power. However, like Rummel, Midlarsky offers a comparative study of mass killing in order to determine which events constitute genocide.<sup>235</sup> This leads him to the conclusion that only the Armenian, Nazi and Rwanda genocides qualify as genocide. Midlarsky offers two defenses of this claim. First, he asserts that genocide is a “matter of state policy.”<sup>236</sup> Second, he stipulates that genocide occurs when “non-combatants of a particular ethnoreligious identity were subject to mass murder.”<sup>237</sup> Midlarsky defends these assertions as a kind of common sense, stating that his definition “has the advantage of including only those cases that are *almost universally acknowledged* to be genocides....in contrast to partial efforts at mass murder that have other intentions.”<sup>238</sup>

What these arguments reveal is the fact that Midlarsky’s focus on mass killing is not driven by an engagement with the concept of genocide or political history, but by a

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<sup>233</sup> Ibid, 10.

<sup>234</sup> Ibid, 10.

<sup>235</sup> Ibid, 22-33.

<sup>236</sup> Ibid, 22.

<sup>237</sup> Ibid, 22.

<sup>238</sup> Ibid, 23, my emphasis.

normative understanding of the term. This amounts to an unexamined assertion rather than an analytically rigorous approach to the study of genocide. Two factors are important to consider here. First, Midlarsky's assumption that genocide is a state-driven policy of massacres is unwarranted by the UNGC, Lemkin or most other writings on genocide. It thus derives from the new discourse on genocide that ties destruction to a state-centric killing. Second, Midlarsky's analysis begins from a point of consensus and then proceeds to differentiate episodes of violence on this basis. This creates a kind of tautology: genocide is state sanctioned mass murder so the only empirical cases of genocide are explicit moments of state sanctioned mass murder. The circular structure of his argument limits Midlarsky's ability to investigate the complex conditions producing episodes of mass violence, but supports a search for resemblances and similarities between state institutions and acts of mass killing. Furthermore, Midlarsky's discussion of the strategic priority of mass murder reveals more about his assumptions regarding the way actors operate in the international system than about the actual discourse circulating in 'genocidal states.' For instance, in an extensive analysis, historians Götz Aly and Susanne Heim demonstrate that the 'strategic priority' of mass murder was a subject of contestation even within the Nazi party and was strongly underwritten by demographic science rather than immediate threat-based anxieties.<sup>239</sup> If 'strategic priorities' are contestable and emergent then it calls into question much of Midlarsky's argument. Nonetheless, the discourse on genocide exemplified by Midlarsky's work pits itself against bureaucracies, communism, and the state apparatus. Preoccupied with bad leaders, regimes, and state types, which make strategic choices, the discourse converts the

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<sup>239</sup> For a historical overview see Götz Aly, *Hitler's Beneficiaries: Plunder, Racial War, and the Nazi Welfare State*, Reprint edition (New York: Picador, 2008); Götz Aly and Susanne Heim, *Architects of Annihilation: Auschwitz and the Logic of Destruction* (London: Weidenfeld & Nicolson, 2002).

politics of genocide into a process of installing better state structures, leaders, and, more generally, an agenda of state supervision on behalf of an unspecified form of political life. By doing so, it sets aside the messy historical circumstances under which strategic priorities emerge in order to create a new agenda for international politics.

Over the past three decades, the normative understanding of genocide has been challenged by a minor tradition centered on the notion of cultural genocide. Against the subordination of destruction to mass killing, scholars of cultural genocide have expanded acts of genocide to include the annihilation of settlements, religious buildings, literatures, languages, and forced displacement.<sup>240</sup> They have also emphasized the value of a social world for the maintenance and reproduction of a group.<sup>241</sup> In addition, theorists of cultural genocide have criticized the state-centrism of the normative understanding. Societies, cultures, institutions, they argue, were capable of committing genocide long before the development of nation-states.<sup>242</sup> More importantly, scholars of cultural destruction have explored how social relations could explain the emergence of mass killing and pushed the study of genocide to the point of thinking about how the process of destruction itself functions as a kind of social dynamic.

Tony Barta's work provides an important example of early work on cultural genocide, which highlights these dimensions of destruction. For instance, in Barta's essay "Relations of Genocide: Land and Lives in the Colonization of Australia," cultural genocide complicates the notion of destruction. Barta's argument begins with Lemkin's

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<sup>240</sup> For an example see Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isidor Wallimann and Michael N. Dobkowski (New York: Greenwood Press, 1987); Short, "Cultural Genocide and Indigenous Peoples"; Powell, *Barbaric Civilization*; Card, *Confronting Evils*.

<sup>241</sup> Card, *Confronting Evils*, 66.

<sup>242</sup> Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century,'" 22-24.

observation that genocide involves two phases: the destruction of an existing ‘national pattern’ and the imposition of a new one. In the context of Australian colonialism, Barta argues, genocide occurred without significant involvement from the state in either of these phases. Nonetheless, Australia was “subject to remorseless pressures of destruction inherent in the very nature of the society.”<sup>243</sup> To see this process, Barta defends a “conception of genocide which embraces *relations* of destruction” and offers a series of observations in support of this method.<sup>244</sup> First, Barta notes that the overt focus on mass killing overshadows the fact that “genocidal outcomes have been the result of complex and only obscurely discerned causes.”<sup>245</sup> Drawing on a Marxist framework, he contends that social relations are constitutive of individual actions as well as larger societal outcomes. Destructive events such as genocide are products of social relations. Second, these relations emerge from cultural and social structures rather than the state, which, he argues, merely reflects these structures. A state institution may, according to Barta, serve some ultimate good but, on account of the relations of a society, still participate in the destruction of a group. Third, Barta accounts of a multi-layered process of destruction in which the benign sentiments of Australian institutions depend on the prior destruction of indigenous peoples by placing the colonial legacy at the heart of these social relations. Barta argues that genocide is folded into the foundations of Australian society. By focusing on outcomes, social relations and structures, Barta’s account of settler-genocide introduces a break from the dominant conception of genocide as a state-sponsored mass killing.

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<sup>243</sup> Tony Barta, “Relations of Genocide: Land and Lives in the Colonization of Australia,” 240.

<sup>244</sup> Ibid, 238, my emphasis.

<sup>245</sup> Ibid, 238.

Barta's work also documents a variety of cultural techniques of destruction that undermined group life. For instance, Barta describes how tax levies, land theft, and the spread of malnutrition contributed to the dispossession and deaths of indigenous peoples, a process subtended by civilizational tropes of 'white man's burden.'<sup>246</sup> According to Barta, these acts constituted a much greater blow to indigenous livelihoods than formal state-sanctioned killing. Moreover, he illustrates how this longer process of dispossession contributed to the eruption sporadic episodes of killing principally conducted by non-state actors and militias. Awash in 'civilizational' pressures, disease, occasional massacres, disenfranchisement, loss of ritual space and land, Aboriginal peoples endured a process of genocide without an explicit state-centered killing program. The founding of Australian society, Barta contends, was inseparable from these practices of long-term cultural destruction. In this regard, the creation of liberal institutions formed a capstone on the process by sealing political representation to an institution completely foreign to indigenous self-understanding.<sup>247</sup>

Barta's argument, while largely ignored by genocide scholars of the 1980s, makes two important innovations to the notion of destruction. First, it underscores the importance of the cultural and non-killing practices of destruction. These techniques, already at work in Lemkin's notion of destruction, were essential to the elimination of indigenous peoples in many colonial contexts, but largely written out of genocide studies. Second, Barta situates *social relations* at the heart of destruction. Indeed, Barta's argument hinges on the fact that physical violence only becomes significant in a social context. By emphasizing the social context, Barta illustrates how techniques of violence

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<sup>246</sup> Ibid, 243.

<sup>247</sup> Ibid, 248.

other than killing play an equally important part in the destruction of a group. Because social relations implicate their destructiveness, for Barta, it is impossible to predefine the series of acts that constitute genocide.<sup>248</sup> In this way, Barta's argument also builds his conception of destruction on a dynamic ontology. By this I suggest that Barta thinks of destruction as a complex process with productive effects and numerous actants rather than a static form of crime. The dynamic ontology enables Barta to show how genocide could become foundational: constitutive of a techniques and institutions of life or, put differently, productive of forms of life throughout Australia.

More recent work by Christopher Powell on the sociology of genocide develops a similar theme with respect to destruction. Powell begins with the observation that genocide has long been understood as “the very antithesis of civilization.”<sup>249</sup> This presumption, he argues, obscures how genocide “either expanded the geographical scope of Western civilization, or deepened the extent to which it permeates society, or both.”<sup>250</sup> In effect, genocide is, in many cases, ‘civilizing genocide’ that derives from the paradoxical barbarism of the civilizing process. However, unlike Barta, Powell views the “object of genocide [as] the dynamic social network that sustains a collective social identity.”<sup>251</sup> For Powell, ‘civilizing genocide’ emerges when political communities define themselves by rigid or static identity categories that necessitate the marginalization and, ultimately, annihilation of difference. For Powell, genocidal practices are thus a way of constituting identity rather than a specific set of outcomes. In this way, Powell treats genocide as intrinsic to the formation of social relations rather than a byproduct of

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<sup>248</sup> Ibid, 246-247.

<sup>249</sup> Powell, *Barbaric Civilization*, 4.

<sup>250</sup> Ibid, 7.

<sup>251</sup> Ibid, 9.

colonial violence. Powell's work draws on a 'critical relationist' approach that examines genocide as a set of "processes made up of dynamic networks of social relations and constituted through the material practices of concrete human individuals...genocide is to destroy certain kinds of social figurations and that the point of the concept of genocide and of its criminalization is to protect these figurations."<sup>252</sup> The benefit of thinking in terms of social figurations, Powell contends, is that it thinks of groups as dynamic rather than static entities, which form through complex interactions between different identities, institutions, and forces. This understanding enables a complimentary approach to the study of genocide where both explicit and implicit practices of violence can be thought of as a uniform practice. For instance, the notion of the social figuration opens up the possibility of "accidental genocides,"<sup>253</sup> a prospect, Powell argues, that requires greater scrutiny in contexts such as the colonization of Tasmania. Thinking of genocide as a process of destroying social figuration also entails the possibility that the victims of genocide "are, in effect, *constituted through genocide*."<sup>254</sup> In this respect, for Powell, genocide both produces and destroys social figurations. By doing so, he challenges the temporal and spatial boundaries often assumed to demarcate genocide events by illustrating how destructive processes take on new forms over time.

Powell's work extends Barta's argument regarding the social foundation of genocide, but nuances the relationship between the social and the destructive. Where Barta's work links the colonial foundation of Australian society to the creation of a dominant social structure, Powell emphasizes the *dynamic* rather than the *outcome* of the destructive process. Indeed, Barta, like scholars of the normative understanding, still

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<sup>252</sup> Ibid, 79-80.

<sup>253</sup> Ibid, 81.

<sup>254</sup> Ibid, 82, emphasis in the original.

conceptualizes destruction primarily as the negation of existing social structures whereas Powell emphasizes both the destructive and productive dynamics of genocide. The value of Powell's approach is the admission of a diversity of actors, with varying degrees of agency, into a social field characterized by complex interactions that generate horrific violence. In this regard, Powell reveals how the focus on genocide as mass killing wholly obscures the conditions of possibility for an act of genocide at the cost of rendering invisible the way in which communities, identities, and relations constitutive of genocide may be present in even 'neutral' institutions and settings. By turning the social field into a relational network productive of both acts of destruction and their intelligibility, Powell conceptualizes destruction as generative of the group's subject to genocide and, hence, the crime of genocide itself. In this respect, Powell challenges the normative understanding of destruction reduced to mass murder by exposing the contingent nature of the institutions, actors, and social structure that this understanding depends on.

Mark Levene also expands the notion of destruction, but takes the argument in a different direction than Powell. Levene begins with the observation that most comparative work in the field of genocide studies relies on a flimsy understanding of political violence tied to the perpetrator-victim relation. This understanding, Levene contends, makes genocide a radically criminal act tied to extraneous variables that corrupt society and locates the origins of genocide in the voluntary actions of a specific causative agent.<sup>255</sup> Levene asks: "what if [this] underlying theoretical premise is itself at fault? That is, that it is not so much the particularly aberrant and hence isolated social structures and situations which are at the root of the persistence and prevalence of the phenomenon, but, rather, the very process of historical development out of which our

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<sup>255</sup> Levene, *Genocide in the Age of the Nation State*, 4.



entire, global, political-economic system has emerged.”<sup>256</sup> Levene’s approach dispenses with a focus on individual leaders or isolated social systems to examine, instead, overlapping political systems at multiple scales. In particular, Levene points to the growth of European colonialism over the last four centuries, the appearance of modern, utilitarian logic based on the supposed universality of science, and the formation of nationalism and the nation-state as social conditions underlying the expansion of destruction.<sup>257</sup>

Like Barta and Powell, Levene’s work places genocide in the context of a more complex process of destruction. What distinguishes Levene’s approach is the way he links the emergence of acts of destruction to this larger, planetary-scale social system. While he retains a focus on killing as the most important aspect of genocide, he illustrates how micro-practices come to saturate macro-political systems and explains why this process generates the conditions for the onset of mass killing. Levene’s position intimates that the social foundation of genocide goes far beyond the social figurations studied by Powell or the colonial process described by Barta, and, instead, develops from social systems at the broadest levels.<sup>258</sup> The problem with linking genocide to specific causative agents, according to Levene, is that genocide redress in the form of military intervention or state-building often exacerbates the conditions that foster identity-based violence and incites cycles of destruction.<sup>259</sup> Levene’s systems approach to genocide calls for a larger reassessment of relationship between modern politics and the emergence of genocide.

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<sup>256</sup> Ibid, 9.

<sup>257</sup> Ibid, 10-12, 14-22.

<sup>258</sup> Ibid, 42-51.

<sup>259</sup> Ibid, 65-66.

## Problems with Destruction

If we simply classified events as ‘genocide’ on account of mass killing we would arrive at a decisively ahistorical understanding of destruction. Even the act of killing, as a form of destruction, changes with the context or assemblage in which it takes place.<sup>260</sup> These changes are part of what make determinations of genocide so difficult. Thus, part of the attention devoted to *mass killing* derives not from its ethical gravity, but from the dual belief that this ethical gravity establishes an objective standard for defining genocide and that this is fundamentally quantifiable. Mass killing becomes an event by temporally and spatially bounding the conditions for understanding genocide to episodes of spectacular violence. These boundaries, in turn, support a type of comparative history that assesses different episodes of mass killing in order to construct a general taxonomy of genocide, which treats Genghis Khan and Adolf Hitler as analogous figures.<sup>261</sup>

The problem with this approach is not simply that historical conditions change the significance of the act of killing, but that the destructive process involves a dynamic relationship between the objects, agents, techniques and milieu of genocide. Put differently, the objectives of destruction develop alongside the techniques, practices, and exercises of destruction. By focusing purely on body counts, the normative understanding of genocide presumes that mass killing constitutes the only element of destruction worthy of serious scrutiny. Moreover, the spatial and temporal boundaries imposed on the event of mass killing foreclose an examination of the appearance or emergence of these episodes within a broader process. The various forms of social violence, abandonment,

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<sup>260</sup> Ervin Staub, “Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation,” *Political Psychology* 21, no. 2 (June 1, 2000): 369–371.

<sup>261</sup> For examples see Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven, Conn.; London: Yale University Press, 2009); Rummel, *Death by Government*.

and desiccation that occur across space and time in ways that break with the abrupt rupture or crisis of spectacular killing.<sup>262</sup> This view is not necessary. For example, Lemkin asserted that killing constituted only a single technique of genocide alongside many biological, physical, social, economic, and cultural forms of destruction.<sup>263</sup> In fact, Lemkin feared that focusing on the spectacle of mass killing might make these other aspects of genocide an ordinary, but nonetheless pernicious part of global politics.

Lemkin's concern has contemporary resonances. Take, for example, the case of the Basarwa as discussed in the first chapter. Physical killing constitutes almost none of the violence directed against this group nor, for that matter, would the Basarwan population appear as more than a blip in the morbidity and mortality statistics in the early 21<sup>st</sup> century as it numbers only in the thousands. Nonetheless, the expulsion of the Basarwa from the CKGR undermined the reproduction of this group's life, as did the prolonged exposure to poverty, malnutrition, and disease at New Xade. The confluence of these conditions has 'destroyed' the Basarwa in many capacities. Yet, genocide scholars would dismiss this case on the grounds that the degree of violence was not 'substantial.'<sup>264</sup> In this instance, the normative understanding shapes the intelligibility of destruction by differentiating 'real' acts of genocide from 'lesser violences.'<sup>265</sup>

Equating destruction with mass killing also glosses over the technologies, institutions and assemblages that generate acts of killing. This oversight is problematic

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<sup>262</sup> Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Harvard University Press, 2011).

<sup>263</sup> Lemkin, *Axis Rule in Occupied Europe*, 82.

<sup>264</sup> This language derives from the UNGC although the meaning of 'substantial' is ambiguous as discussed in the previous chapter. Midlarsky's work exemplifies this approach and discounts many episodes of genocide even accepted by the normative understanding as will be discussed later. See Midlarsky, *The Killing Trap*.

<sup>265</sup> This logic of accepting minimal violences is part of the justification for deploying violence to stop genocide. On the logic of minimization as part of the maximization of violence see Eyal Weizman, *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza* (London: Verso, 2012).

because destructive technology and techniques undergo a process of transformation that changes the relations between bodies, peoples, and vulnerabilities. Due to this transformation, destructive processes often invent new methods and technologies for mass violence that do not resemble prior historical moments. When, for instance, Denis Halliday, the former United Nations Humanitarian Coordinator for Iraq, declared that the American sanctions regime was a form of genocide, he implicitly linked the starvation of Iraqi children to an economic practice, contesting the separation between the object of sanctions (Saddam Hussein's administration) and its productive effects (civilian deaths).<sup>266</sup> Halliday's argument drew a link between a group (the Iraqi people) and a technique or means of destruction (trade embargoes) that differs from the traditional images associated with genocide. Economic sanctions represent an evolution in the technology of state power allegedly suited to changing the behavior of another state.<sup>267</sup> However, Halliday argued that the very rubrics legitimating the sanctions, such as their ability to attenuate damage by limiting their impact to the Hussein government, also made the regime accountable for its destructive effects. The problem, for Halliday, was that the sanctions regime legitimated itself via a claim to 'moderation.' By appealing to expert knowledge and control over their effects, the sanctions theoretically were capable of managing, directing, and limiting their impacts on the Iraqi population. For Halliday, this claim also implied that the American government controlled, and therefore was

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<sup>266</sup> "HALLIDAY, Denis. Former Top UN Official on Genocidal Sanctions, 'Intent to Kill' & Iraqi Genocide - Iraqi Holocaust, Iraqi Genocide," accessed September 22, 2014, <https://sites.google.com/site/iraqiholocaustiraqigenocide/halliday-denis>.

<sup>267</sup> It is important to differentiate sanctions from siege, blockades and other forms of warfare by attrition. While sanctions work to produce shifts in intensity and induce new behavior, the regime of knowledge and scale imply an entirely different practice. Indeed, part of the appeal of the Iraqi sanctions was the claim that they were more precise mechanisms for inducing regime change. Halliday's argument turns this fact against the sanctions since the very 'precision' implies a degree of control that sanctions the death of Iraqi civilians.

responsible for, the ‘collateral damage’ of mass death. While few would likely accuse the Clinton administration of harboring an explicit or specific animus toward Iraqis, Halliday’s argument contested the normative understanding of destruction by highlighting a kind of ‘evolution’ of the destructive process in which sanctions produce a novel kind of genocide. Halliday’s discourse was consequently able to politicize the predicament in Iraq in a new light.

Yet, Halliday’s argument also highlights the productive dimension of a destructive process. In this case, the sanctions’ devastating effect on food, medicine, and employment impacted a group of people whose only commonality was their status as subjects of the sanctions.<sup>268</sup> Indeed, the sanctions regime did not harm all Iraqis (a national group) nor was it intended (discursively identified) as doing so. American policy was also not exclusively to blame for these consequences since the Iraqi government directed the remaining supply of food to the military and supporters of the Baath party. The group subjected to the sanctions regime was thus targeted without a pre-existing identity or commonality and subject to a mode of power exercised by numerous entities, a mode of power that managed a physically ‘non-violent,’ but nonetheless lethal form of politics. Without this series of interactions, the existence, let alone the destruction, of this new group, the victims of the sanctions regime, was unthinkable. Yet, prior to the onset of the second war in Iraq, nearly a million people perished.

Many of our more common images of genocide also exclude this ‘productive’ dimension of destruction. For instance, Daniel Goldhagen’s contention that a form of cultural ‘eliminationist’ anti-Semitism embedded in German culture led to the Nazi

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<sup>268</sup> For a fuller account see Abdul Haq al-Ani, Tarik al-Ani, and Joshua Castellino, *Genocide in Iraq: The Case Against the UN Security Council and Member States* (Clarity Press, 2013).

Genocide wholly obscures the productive dimensions of destructive politics.<sup>269</sup> Indeed, even the invention of the gas chamber, perhaps the most prevalent example of a genocidal technology, involved dynamic transformation and combination of both political understanding and socio-technical practices.<sup>270</sup> In the case of the former, the emergence of biological racism capable of differentiating and essentializing the Jewish population developed slowly from Galtonian race-theories gaining popularity in Europe. This conception differed considerably from theologically inspired forms of Judeophobia, which permitted the expulsion or conversion of Jewish populations. In addition, the technical apparatus of the gas chamber required the development of atmospheric engineering, the expansion of this technology in agriculture, and the emergence of an aesthetic fascination with industrialism. Even then, the gas chamber came into being as a consequence of the sudden call to accelerate the extermination process after the Nazi leadership realized that impending defeat on the Eastern front had scuttled any possibility for a resolution to the problem of *lebensraum* (living space) by colonial acquisition. The process of destruction thus underwent numerous contingent changes that altered the constitution of the group or groups destroyed to include Jews, Poles, dissidents, and other subjects who would never have otherwise have been assembled together or murdered using the same means.<sup>271</sup>

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<sup>269</sup> Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*, 1 edition (New York: Public Affairs, 2009).

<sup>270</sup> Michael Thad Allen, *The Business of Genocide: The SS, Slave Labor, and the Concentration Camps*, 1 edition (The University of North Carolina Press, 2002).

<sup>271</sup> In the context of the Nazi Genocide, the example of ghetto councils stands out in this respect, but there are looser but nonetheless important affiliations that form as subjects without identity that become targets of destruction. Raphael Lemkin's autobiography attests to his joining one such group in the process of fleeing Poland. Incidentally, it was in this context that Lemkin started revisiting his earlier desire to coin a criminal category. See Schaller and Zimmerer, *The Origins of Genocide*.

The productive dimension of destruction also evidences a capacity for destructive processes to invent groups that elude the static categories of the normative understanding. This generates a number of problems for the politics of genocide. First, it restricts the intelligibility of new forms of destruction, which emerge from the evolution of technologies of violence. Martin Coward, for instance, describes a new form of genocide, which he calls “urbicide,” that occurs when warfare takes the city as an object.<sup>272</sup> Cities develop from the functional and synthetic connections of their inhabitants and have observable emergent effects. These effects indicate that cities exert force in a way that exceeds their constituent parts and, thus, constitute a new kind of entity. However, the normative understanding of genocide disqualifies cities as legitimate subjects of genocide, despite the fact that cities and urban spaces have increasingly been both an object of war and subject to novel techniques of destruction, because they lack the common basis of an intrinsic or essential identity.<sup>273</sup> Destruction that cuts across racial, ethnic, cultural, gender, religious, or national lines, but impacts groups formed on the basis of geography or urban locality thus disappears from the register of genocide events no matter how destructive. Even in the extreme cases of Hiroshima and Nagasaki, acts of destruction that eliminated entire cities and that were deeply implicated in racial and nationalist discourses, many prominent genocide scholars have vehemently attacked any use of the concept genocide.<sup>274</sup> Nonetheless, the example of urbicide illustrates how the normative understanding disqualifies many instances of mass violence from

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<sup>272</sup> Martin Coward, *Urbicide: The Politics of Urban Destruction*, 1 edition (London; New York: Routledge, 2008).

<sup>273</sup> Martin Coward, “Against Anthropocentrism: The Destruction of the Built Environment as a Distinct Form of Political Violence,” *Review of International Studies* 32, no. 03 (July 2006): 419–37.

<sup>274</sup> Helen Fein, “Genocide, Terror, Life Integrity and War Crimes: The Case for Discrimination.”

consideration as part of the politics of genocide on account of the *form* destruction takes as much as the *kind* of subject destroyed.

The lack of attentiveness to the ‘productive’ dimension of destruction also implicates the boundary between war and genocide. Indeed, the normative understanding of destruction depends on a stable distinction between legitimate and illegitimate warfare in which genocide is understood as an extreme practice that goes beyond the boundaries of legitimate war.<sup>275</sup> In drawing this distinction, the normative understanding is obligated to search for an origin to genocide events in a disrespect for the laws of war, which are treated as fundamental, universal, and rational. Certain regions of the globe or types of military conflict are thus treated as genocide prone on account of *how* they wage war. What this division obscures is a point raised by many contemporary scholars that episodes of war exist in a state of indistinction with the emergence of genocide and, indeed, most contemporary genocide events arise during a process of waging war.<sup>276</sup> The Armenian, Nazi, and Rwandan genocide all bear this fact out as genocides developing from within protracted processes of warfare as do episodes of destruction in numerous colonial contexts. Determinations of genocide thus hinge on how legitimate and illegitimate warfare are understood. However, if war and genocide exist as two potential outcomes from an underlying destructive process, which could go in a variety of directions, then treating these as discrete events creates an artificial division. This division, in turn, depoliticizes episodes of conflict that do not resonate with the images of the normative understanding and makes many episodes of destruction clandestine.

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<sup>275</sup> Martin Shaw, *What Is Genocide?* (Cambridge Malden, Mass: Polity, 2007), 12-14.

<sup>276</sup> *Ibid.*, 26-28.



In the worst cases, this discursive link between legitimate warfare and illegitimate genocide actually produces incentives for identity-based killing and conditions even *genocidaires*' understanding of their acts. For instance, in the case of Bosnia, reports of ethnic cleansing sparked international protest that framed the political violence as a type of genocide. The attention garnered by this outcry allegedly changed the way Milosevic directed massacres, increasingly conducting them along ethnic lines in the hopes of forcing NATO governments to give into his demands.<sup>277</sup> The discourse of genocide thus inadvertently contributed to the production of genocide by viewing the fundamental threat posed by Milosevic as mass killing organized around a principle of ethnic identity rather than war and killing writ large. Once it became clear that the Western media was invested in these terms, Milosevic was able to reengineer mass killing along these lines in order to draw out concessions from Western states. In addition, the massacre of Srebrenica was also partly a byproduct of humanitarian intervention.<sup>278</sup> Adopting the principles they presumed organized the action of the Serbian forces, UNPROFOR collected Bosnian refugees on the basis of their identity and concentrated them in one place. Thus, in a sense, the normative understanding organized the shape of the relief efforts and the violence that followed. The massacre of Srebrenica was partly a byproduct of humanitarianism adopting the normative image of genocide to organize relief efforts.<sup>279</sup>

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<sup>277</sup> For more on this dynamic see Michael Rose, *Fighting for Peace*, 1st edition (London: The Harvill Press, 1998); Major-General Lewis MacKenzie, *Peacekeeper - the Road to Sarajevo* (Toronto: Harper Collins, 1994).

<sup>278</sup> Campbell, *National Deconstruction*, 86-93.

<sup>279</sup> This is not to suggest that relief efforts should not have attempted to help people exposed to extreme violence, but simply to point out how the discourse organizes humanitarian understanding to mirror that of *genocidaires* thereby reordering conflicts along these lines.

Third, the focus on mass killing ignores many mundane techniques of destruction that constitute genocide both prior to and during mass murder.<sup>280</sup> The concern for mass killing reflects an obsession with the spectacle of sovereign power that masks the way in which micropolitical changes set the conditions of possibility for the emergence of the spectacle mass violence.<sup>281</sup> As a result of this obsession, genocide discourse remains largely reactive, aimed at stopping the outbreak of mass killing, rather than working on broader relations of power that foster insecurity, victimization, and detachment. By viewing genocide as an aberration of otherwise ordinary, nonviolent, or unproblematic democratic politics, many humanitarian organizations transform genocide prevention into a kind of anti-politics that permits the often forceful restructuring of governments and societies.

Lastly, the focus on mass killing presupposes a static ontology of presence. By this I mean the focus on mass killing not only places temporal and spatial boundaries on the ‘event’ of destruction, but is also invested in the fragility of a living body exposed to a specific form of destruction exemplified by the act of physical killing. Destruction is thus depicted as material force exerted on otherwise defenseless bodies in an arbitrary and pernicious fashion. However, an event of destruction such as genocide involves temporal and spatial scales that exceed this notion of presence. Consider, for instance, the destruction of indigenous peoples in the Americas. The arrival of the Spanish led to wars of conquest, enslavement, and extermination. Along with this physical violence, as well as cultural and religious imperialism, European colonizers brought biological agents that,

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<sup>280</sup> Stewart R. Clegg et al., “Mundane Objects and the Banality of Evil The Sociomateriality of a Death Camp,” *Journal of Management Inquiry* 22, no. 3 (July 1, 2013): 325–40.

<sup>281</sup> Andrew W. Neal, “Cutting Off the King’s Head: Foucault’s Society Must Be Defended and the Problem of Sovereignty,” *Alternatives: Global, Local, Political* 29, no. 4 (August 1, 2004): 377–81.

sometimes unknowingly, destroyed entire indigenous groups.<sup>282</sup> The feedback loops between violence, assimilation, disease and the resulting famine coalesced into a centuries long process of annihilation that does not fit neatly into the categories of the normative understanding. How should we locate the ‘time’ and ‘place’ of this event? Is it in ‘big’ massacres?’ At the end of the 18<sup>th</sup> century when 98% of indigenous peoples had disappeared? How does contemporary global politics contend with a historical lineage in which processes of destruction preceded and gave birth to innumerable states and institutions? The scope of the destruction of indigenous peoples, as a process of productive destruction distributed across time and space, is unthinkable in the terms of the normative understanding, not because of an absence of empirical data, but because it cannot be thought exclusively in terms of mass killing.<sup>283</sup> In this case, destruction not only claims the lives of numerous indigenous peoples, but fundamentally alters the conditions of possibility for contemporary political institutions. In this respect, the destructive process, distributed over centuries, becomes productive of the terms and forms of political relations, a productive relation typically ignored in the way we define national or state identity. This productive relationship puts into question not only the legitimacy of existing studies of genocide, which fail to inquire into destructive processes at this scale, but the political associations – states, institutions, and practices – that are often called upon to prevent genocide. Indeed, the destructive process undergone in this encounter exceeds traditional registers of understanding to the point that contemporary

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<sup>282</sup> For larger histories see Alex Alvarez, *Native America and the Question of Genocide* (Rowman & Littlefield Publishers, 2014); Churchill, *A Little Matter of Genocide*; Stannard, *American Holocaust*.

<sup>283</sup> This is because the ‘event’ exceeds any specific act. Destruction is thus constitutive of a process subsisting in numerous instances or actualizations of violence. See Deleuze and Guattari, *What Is Philosophy?*, 18-24.

geologists have offered the genocide of indigenous peoples as the definitive marker of the birth of the Anthropocene because the effects register at the scale of planetary ecology.<sup>284</sup>

The virtue of attending to cultural or social forms of destruction lies in how one problematizes the boundaries of the ontology that underlies the normative understanding. Dipping into the complex layers subtending any event of destruction and the role destruction plays in the making of identity demonstrates not only that certain genocides have been denied or are not recognized as such, but the way in which complex processes of destructive have a constitutive role. This demonstrates a problem not only with the non-recognition or denial of certain genocides, but with a failure to understand the constitutive role in the formation of contemporary politics. Fortunately, some version of this insight is at the heart of Lemkin's work on destruction and genocide and it is to his construction of the notion that we now turn.

### Reprising Destruction

The normative understanding of genocide equates destruction with mass killing and devalues socio-political context. However, as theorists like Lemkin, Barta, Powell, and Levene demonstrate this separation isn't easy. Mass violence emerges and takes on significance in a social context. By severing acts from this context, the normative understanding renders genocide exogenous to the social system in which it emerges. As a result, genocide studies constantly searches for evil, malice, perversity or irrationality, which can be made accountable for genocide. Consequently, it treats removing corrupt

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<sup>284</sup> Simon L. Lewis and Mark A. Maslin, "Defining the Anthropocene," *Nature* 519, no. 7542 (March 12, 2015): 171–80.

leaders, engineering state structures, promoting democracy or controlling the spread and distribution of weapons as mechanisms to solve genocide.

At the same time, the notion of destruction endorsed by the normative understanding impoverishes genocide scholarship. For Lemkin, killing was an essential part of genocide, but nonetheless constituted only one form of destruction. Genocide scholars emphasizing the 'cultural' or 'social' context of destruction have expanded his insight and placed the question of destruction into broader registers of time, space, and identity by theorizing genocide as constitutive of social relations. In this sense, the destruction of genocide cannot be explained simply in terms of the elimination of predefined groups, but as a form of production that creates both the groups subject to destruction and their destroyers. Put simply, genocide is both generative and a form of annihilation. Understanding genocide strictly in terms of mass killing not only does a disservice to the complexity of an event of genocide, but leads to a cycle of error replication by missing these prior productive moments and the imbrications of these moments in a larger political assemblage. The normative understanding of genocide centered on mass killing consequently remains stuck drawing the resemblances and similarities between different forms of identity, tracing again and again the same narrow vision of genocide in the hopes of establishing a one-size fits all political response.

If genocide can be constitutive of political relations then it cannot be easily cordoned off using the standards of legitimacy and illegitimacy, identity and similarity, or barbarity, madness, and evil. Instead, genocide remains conceptually and theoretically disparate, changing with the invention of new forms of violence, inaugurating alternative modes of belonging and generating of relations and identities Acknowledging the

productive dimension of destruction entails discerning an element of horror that haunts contemporary politics. Social theorists allude to this element of horror when they conceptualize genocide as a kind of event: the emergence of a form of destruction that exceeds political vocabularies, inheres in many different institutions, practices, and identities, and recreates the social field. The notion of a destructive event employs the concept of genocide to observe the objective existence of a problem that exists, but offers no immediate solution; a problem whose productive dimensions extend to the possibility of engulfing and eliminating complex social entities. The social interpretation of destruction is valuable because it removes this sense of horror from the malice of individual leaders and relocates it as a complex product of social relations. Read in this light, genocide names not simply a new kind of crime, but a new being or an emergent process underway whose birth takes place from within a meshwork of political relations and without readily discernible causes. In contrast, the majority of genocide scholars attempt to domesticate the notion of destruction by viewing it exclusively as identity-based mass killing linked to static agents and institutions.

At stake here are two competing understandings of the politics of genocide, which battle over the sense of the concept and the event it names. The dominant approach views genocide as a crime, identifiable in different contexts, and manageable via a system of global governance. The sense of destruction at work here thus supports the creation of an international legal order dedicated to the elimination of mass killing through international regimes and interventions. The other approach responds to a sense of horror that develops from an emergent, destructive event from a thicket of plastic social relations. Genocide, in this sense, names the event not only as a wrong, but also as an unsettling horror of the

contingency of social formations, a pluralization of the conditions of genocide within many societies, and an ethical challenge to the soporific and spectacular images of mass death. As the last chapter will argue, attending to the operation of ‘sense’ in the politics of genocide has significant implications for the futures connected to this concept. In particular, destruction is subject to a ‘becoming’ that, as Lemkin argued, cannot be described by a stable list of acts since it constitutes a horrific process capable of generating modes of violence that exceed existing political vocabularies. The social understanding of genocide thus not only details ‘cultural techniques’ violence, but foregrounds this destructive event, in a process of becoming, whose implications cannot be described through the well-trodden pages of enumerated criteria, but through a new sense and language of political horror.

#### Threshold: Mental Harm

Article 2 of the UNGC includes a subcategory that defines “causing serious bodily or mental harm to members of the group” as an act of genocide.<sup>285</sup> Like many parts of the UNGC, the inclusion of this article is something of a curiosity when compared with traditional images of destruction such as mass killing, population displacement or the burning of books. Unsurprisingly, the article also poses problems for contemporary genocide jurisprudence because it begs the question of when and how mental harm approaches the level of genocide.<sup>286</sup> Mass torture, for example, is considered sufficient by previous legal judgments, but lesser, allegedly indirect effects of mass violence almost always must show a direct physical action upon the victim. Distressing as

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<sup>285</sup> “Convention on the Prevention and Punishment of the Crime of Genocide.”

<sup>286</sup> Schabas, *Genocide in International Law*, 186.

it may be for someone to live through a genocide this does not, according to dominant legal interpretation, constitute a form of mental harm covered by the UNGC.<sup>287</sup>

Mental harm appeared in the list of acts of genocide at the urging of the Chinese representative to the UN Ti-sun Li. Li proposed the protection out of a desire to see the convention prohibit acts such as the distribution of narcotics.<sup>288</sup> For Li, the inclusion of mental harm in the UNGC would functionally outlaw the distribution of opium, which had gravely affected the health of the Chinese populace under European and Japanese colonialism. Unlike acts such as killing members of a group or deliberately inflicting conditions inimical to the group's well-being, acts written with the European experience of the Nazism in mind, mental harm offers was defined by a colonial experience beyond the European metropole. Mental harm is also an interesting category because it problematizes the notion of destruction more generally. Indeed, part of what secures or stabilizes the definition of acts such as killing is an appeal to the notion of intent. Intent directs an act of mass killing and, by doing so, makes it an act of genocide. Intent, as the next chapter will discuss, implicitly links action, knowledge, and causality in an autonomous subject. This subject, in turn, authors acts of genocide. However, by including mental harm as an act of destruction, the UNGC alludes to a more indeterminate psychological, neurological, or even social form of destruction. In this sense, mental harm, unlike the other acts, necessitates a more complex picture of the causal agency underway in a process of destruction.

Indeed, the use of opium as a technology of colonial governance illustrates how the production of a specific set of social conditions constitutes a prerequisite for the

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<sup>287</sup> Ibid, 188.

<sup>288</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York, NY: Palgrave Macmillan, 2008), 156-157.



actualization of destruction and, moreover, how the form of ‘intent’ at play requires a variety of overlapping agencies. At a very simple level, the use of narcotics includes both a producer and a consumer such that, absent forcible digestion, narcotics elicits addiction as a physiological property that produces poor health (and desire for a drug) and undermines a person’s cognitive and political capacities. In this sense, destruction works by altering intent at a physiological and social level rather than outright killing members of a group. Yet, it also seems absurd to hold a person accountable for acts of genocide perpetrated by themselves. Does this imply the supplier is exclusively responsible for their predicament? What role does the narcotic itself play as an agent in the causal networks? Moreover, how do we account for the allegedly compromised mental state of those harmed by narcotics? At the very least these questions illustrate how the inclusion of mental harm as an act of destruction problematizes any easy reading of the notion of destruction because the chains of causality and intention become problematic, distributed, and even nonlinear since the demand for more drugs, the byproduct of addiction, may constitutes a mode of desire for greater governance and control.

One problem that emerges from this observation is that even the most apparently stable and transparent of the UNGC’s list of destructive acts fall into scandal when the victims of genocide not only become complicit, but actively desire substances, possibilities, or conditions that cause the group to undermine itself. Obviously, in the cases of China and Germany (where alcohol distribution was occasionally used in a similar capacity) this was the result of a targeted policy designed to produce these effects. Yet, the destructive consequences of the acts, the damage to livelihoods, neurobiology,

and culture articulation more broadly, emerge from a variety of conditions without the presence of alcohol or narcotics.

In this respect, destructive processes that produce mental harm are difficult to locate within a spectrum of intent traditionally ascribed to genocide. What if the production of mental harm amplifies the chances that an assemblage creates authoritarian power structures, which, in turn, dominate populaces? Could this spur auto-catalytic processes of mass violence that typically go by the name ‘cycles of violence’? Say, for example, conditions of colonial governance that massively impact mental health throughout a particular state and produce a propensity or comfort with everyday and mass violence? Subsequent acts of violence likewise trigger a set of traumatic reactions and mental harms throughout the state such that experiences of mental harm become self-replicating and what occurs constitutes a feedback loop between neurobiological impairment, physical violence, social deterioration, and external calls for stewardship and governance of the region. Does this process constitute a series of genocidal acts or, because the mentally harmed become those who mentally harm, does agency get ascribed only to local political actors? These questions expose the problems the normative understanding encounters when it appeals to intent to prop up the notion of destruction because, in many cases, destructive processes constitute intents and desires. Ultimately, the inclusion of mental harm reveals how the apparently transparent legal text of the UNGC calls for speculation on a more complex notion of the emergence of genocidal acts.

## Chapter 4: Intent

Someone must be to blame. This much we know. Left or right, radical or centrist, crazy or rational, zealot or bureaucrat, capitalist or communist, fascist or facilitator, cruel or kind, we know someone is at the root of it all, someone is the cause of so much suffering. Someone must be guilty. Study after study, treatise after treatise, exhibit after exhibit tells us about their kind. We peer into their hideouts, survey the mechanics of death, scrutinize shallow graves, analyze hollow ideologies, inspect the psychology of perception, diagnose raging hatreds, and examine the forensics of now dusty camps. Whatever stone we turn over, whatever veil we remove, whatever darkness we bring to light, we find a reservoir of malice surging forth. Someone dwells at the heart of darkness. Someone must be to blame.

Genocide, we are told, was born of this desire, a desire that takes principle form in relation to the notion of intent. Someone intends to commit genocide and this intention makes him or her into a special kind of criminal, a perpetrator, or a subject of genocide.<sup>289</sup> Intent is the part of the concept of genocide that enables this determination by making genocide into a punitive criminal act and assigning moral responsibility to specific subjects. Put differently, intent is the part of the concept of genocide that enables genocide to be authored and for the authors of genocide to be subject to discipline. In order for this to happen, the notion of intent has to ground or establish the set of causal relations that produce genocide. These causal relations turn genocide into a punishable

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<sup>289</sup> I use the term subject of genocide to refer to process of marking certain subject as authorizing, intending or purposefully pursuing genocide. Contemporary discourse uses the word *genocidaire* to name this subject while Raphael Lemkin endorsed the term genocidist. The turn to the subject of genocide clarifies the work of framing and producing this subject in political discourse. In contrast, the category of victims refers to the object of genocide or the object of desire, which the subject of genocide intends to destroy. This terminology is not meant in any way to objectify the pain and hardship of people afflicted by genocide or violence, but instead to mark the subject/object relation that occupies current thinking about intent.

act by pointing to the agents responsible for its occurrence. As a result, discussions of intent are invariably tied to larger meditations on the connections between history, causality, morality, punishment and political governance. These discussions facilitate the creation of a novel set of political procedures and institutions for punishing, trying, or destroying genocidists.

Intent also helps to distinguish genocide from other categories such as crimes against humanity. In this sense, the type of intent involved in genocide allegedly has a special quality, a malefic character or dimension of radical evil proper to it. Intent thus not only grounds different theories of causality and punishment, but also inscribes genocide within a moral and theological framework for thinking about global politics. This framework encourages the development of exceptional forms of political intervention in order to address the calamitous propensity for genocide. Ultimately, the notion of intent simultaneously performs several functions for the concept of genocide: it constitutes genocide as a distinct crime, describes the set of causal mechanisms that produce genocide, implicates acts of genocide in a moral framework, and supports the development of political responses to these intentions. In this way, the work of intent differs from the group or destruction parts of the concept because it attends not to the question of who was destroyed or how this destruction takes place, but rather why the event occurs and what can be done about it.

Unfortunately, as this chapter demonstrates, the normative understanding of intent often supports the development of forms of preemptive or exceptional security politics, which legitimize managing social life in order to forestall the emergence of genocide prior to its occurrence. This form of management depoliticizes the historical conditions

and political arrangements that incite conflict and mass violence and, moreover, justifies a vast expansion of international political control over the periphery.<sup>290</sup> Specifically, in crafting a theory of intent, the normative understanding of genocide develops a schema of subject formation structured around a very specific understanding of desire. This notion of desire allegedly underlies the actions of a genocidist and marks his or her intentions as those authorizing or producing acts of genocide. The desire of the genocidist consequently becomes the causal origin of genocide. The discovery of these desires creates a site or object for political intervention and opens a pathway for various institutions, punishments, and pedagogies to modify or deter genocidists from acting on their instincts. International humanitarian initiatives consequently latch onto these desires as rallying points for economic, military, and political intervention.

To date, the greatest debates about intent in genocide studies largely focus on competing representations or accounts of these desires. Do we locate the desires underlying genocide, desires that generate intentions, in the individual, the psyche, a social structure, an ideology, and so on? While disagreement occurs over these different sites of causal ‘content,’ the implications of theorizing and constructing these kind of causal relationships have been largely ignored. As a result, genocide scholarship often neglects the productive effects that emerge from speaking, writing or analyzing genocide in these terms, that slow process of linking a series of order-words within the swirls of free and indirect discourse, which frames how these questions are understood in the first place.<sup>291</sup> What this chapter reveals is how these discussions and discourses about intent are themselves the site for the formation of desire *within* the politics of genocide. Put

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<sup>290</sup> Nixon, *Slow Violence and the Environmentalism of the Poor*; Mark Neocleous, *Critique of Security* (Edinburgh University Press, 2008).

<sup>291</sup> Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, 22.

differently, the articulation of different theories of intent is itself a form of politics that, in the case of the normative understanding, works toward the development of novel forms of global governance. The production of knowledge about intent thus does not occur in a neutral fashion, but as part of a process of desiring-production that seeks to deepen the power and control of particular global institutions.<sup>292</sup> The normative understanding extends this agenda by making desire and intent objects of political management long before they actualize as violence. In this way, the normative understanding endorses a kind of biopolitical realignment of global politics in order to manage the future in the name of life's necessity. However, this development is only possible by dissecting a subject's intent, treating them as distinctive objects of knowledge, and using this knowledge to act on the propensity for genocide.

Three dimensions of the normative understanding of genocide are important in this respect. First, while there is considerable dispute about the content of intent or the different biological, psychological or social origins of desire, the normative understanding of genocide reproduces a division between the statements, expressions and beliefs of the subject of genocide and their actions or conduct. Put differently, in this discourse, regardless of what motivates the subject, the *form* or *structure* of intent remains the same. This structure partitions the subject of genocide into a set of underlying beliefs, inclinations or desires and a corresponding set of actions or behaviors. In short, the normative understanding splits the subject of genocide into a subject of enunciation and a subject of the action. The subject of enunciation provides the interpretive context for reading the subject of action. This reading places the causal origins of genocide in the desires of the subject of enunciation and interprets conduct in

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<sup>292</sup> Ibid, 354.

light of these desires. In essence, the split produces a kind of ‘profile’ of the genocidist. This profile fills in the inevitable gaps and inconsistencies in the conduct of the genocidist by producing patterns and connections via an appeal to common sense. To construct this profile, the normative understanding draws on a set of implicit presuppositions about how, where, and why certain forms of desire or intent are prone to genocide. These presuppositions emerge from a larger set of unconscious associations about the history of genocide and the archetype of events like the Nazi Genocide. These associations, in turn, help to determine when the actions of a genocidist become meaningful. The examination of intentions thus searches for a similar structure of intent or desire at work in contemporary genocidists. These similarities support assessments across disparate historical moments and set up comparative genocide studies as a knowledge based in historical survey. The assumption behind these comparisons is that the interpreter of intent stands at a distance to the things they interpret and roughly corresponds to Nietzsche’s discussion of monumental history.<sup>293</sup> Unsurprisingly, writing about genocide frequently becomes the practice of writing about great, infamous events and their propensity to recur in the present rather than an exercise of garnering resources for a present that differs from the past. The problem with these comparative studies is not only that they exclude ‘forgotten histories’ and ‘unknown genocides,’ but that the knowledge they produce becomes a resource for schematizing how genocides will take place in the future and building a security architecture to inhibit these developments.<sup>294</sup>

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<sup>293</sup> A. Dirk Moses makes a similar argument see: Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century.’”

<sup>294</sup> On the subject of hidden and forgotten genocides see Douglas Irvin-Erickson, Thomas La Pointe, and Alexander Laban Hinton, “Introduction: Hidden Genocides: Power, Knowledge, Memory,” in *Hidden Genocides: Power, Knowledge, Memory*, ed. Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson (New Brunswick, N.J: Rutgers University Press, 2014), 3-4.

Second, the normative understanding of intent ascribes a special power to desire. In particular, it treats desire as the motive force behind the emergence of genocide. As such, it opens the field of desire up to a series of interventions in order to forestall the ultimate occurrence of genocide. These interventions take two forms: pedagogical and punitive. In the case of the former, specific aspects of polities such as failing institutions, lack of public education, poverty, religious affiliation and so on are identified as the sources of the social animosity underlying genocide. Scholars who focus on intent seize upon these aspects of societies as ripe for institution-building, civic reform, and strengthening democratic governance. While these efforts sound benign, they also overcode existing, often violently, social practices that do not fit with standard western notions of civic life. In the case of the later, the notion of intent enables a series of calculations concerning the necessary responses to deter or punish genocide by military and legal means. The special character of genocidal intent, in particular, underlies the call for the growth of international tribunal systems, the demand for a standing UN intervention force, and other preemptive military solutions. The theory of intent consequently resonates with a broader constellation of forces directed at managing political life in new ways.

Third, the normative understanding of intent has an important relationship to the question of sovereignty. Since knowledge about intent enables the formation of judgments on the propensity for genocide, it facilitates new forms of political engagement with the future prior to its occurrence. These forms of judgment, in essence, determine whether or not a group's life, which the politics of genocide holds to be sacred, is likely to be forfeit. In doing so, these judgments consequently justify the external



governance of a population in order to prevent their destruction even at the expense of traditional claims to political or national sovereignty. These kinds of decisions emerge from within a theological and moral context that governs the life of a population in the name of preventing its death. In this way, the normative understanding of intent plays a key role in legitimating a new relation to sovereignty rooted in a biopolitical discourse. Contemporary international institutions such as the Responsibility to Protect (R2P) and the growing informal anti-genocide regime seize upon this rubric to produce new mechanisms of global governance. Moreover, as the chapter will later discuss in detail, the notion that genocide constitutes the ‘crime of crimes’ provides important clues about the theological character of these new forms of sovereignty and exposes how genocide functions in a unique fashion in contemporary political discourse.

However, as with other parts of the concept of genocide, intent is also accompanied by a ‘minor tradition’ that is replete with anomalies, paradoxes, and moments of creativity. Indeed, I am not the first to identify the limits of the normative understanding of intent. As the chapter discusses in detail, many efforts have been made to loosen the normative understanding’s image of intent by stressing historical contingencies, unconscious or unarticulated desires, and unintended consequences of political action as important components of genocide. Other scholars have sought to read genocide as a multifaceted process rather than a one-sided or pre-designed event. The minor tradition includes a variety of different emphases on intent, desire, and causality in order to contest the normative understandings exclusion of many events from the politics of genocide. In doing so, the minor tradition also provides resources for challenging the inscription of genocide within new regimes of global governmentality by pointing out the

complexity of various events of mass violence and the consequences of insisting on a strong notion of intent.

This chapter uses a similar structure to the previous ones. The first section juxtaposes the notion of intent formulated by Lemkin and the UNGC. It analyzes how Lemkin's version of intent, which was drawn from empirical acts mass violence as well as his legal background, evaluated intent and agency as implicitly distributed. In contrast, it shows the explicit effort in the creation of the UNGC to narrow intent to a volitional, willful, or explicit desire. This transition, the section argues, sets the stage for the development of the normative understanding. The second section explores the development of the normative understanding of intent and highlights the emergence of the minor tradition that challenges the categories of the normative understanding. Specifically, this section illustrates how the normative understanding restricts the notion of intent to a particular set of desires in both legal and academic contexts. These desires, in turn, support the growth of institutions designed to inhibit genocide. The third section more carefully engages the minor tradition by discussing the possibility of 'unintentional' or 'negligent' genocide. These claims work against the normative understanding, but, as the section illustrates, provide valuable insights into the complexity of genocidal processes. These insights, in turn, problematize the normative understanding's implicit presuppositions. The fourth section explores the implications of the normative understanding of intent for contemporary humanitarian intervention and political structures. It turns to the examples of the non-governmental organization Genocide Watch and the elaboration of the R2P to show how the discussion of intent legitimizes the creation of new institutions of governance. The final section turns to the

contemporary example of Boko Haram to show the productive effects of these developments on geopolitics. In particular, the section reveals how intent fosters a form of preemptive governance based on the propensity for genocide. These modes of governance unfortunately draw from racist and pejorative assumptions and, consequently, reconstitute the populations they claim to protect as apolitical victims in need of stewardship, guidance, and perpetual observation.

### Lemkin's Intents

Lemkin's development of the notion of intent is thin in comparison with his more substantive description of the acts constitutive of genocide. He nonetheless implicitly develops a notion of intent in his writings on genocide. The purpose of this section is to diagram Lemkin's notion of intent by unpacking a series of statements he makes about law, political action, and the history of genocide. This task is more challenging than describing Lemkin's notion of the group or destruction for two reasons. First, Lemkin often highlights overlapping political agencies at work in genocide. For example, he will discuss genocide occurring within the context of a colonial hierarchy and, at the same time, refer to the acts as a deliberate or premeditated attempt to undermine a political system. In each description, Lemkin presents a slightly different figuration of political agency. I read these statements as evidence that Lemkin does not provide a coherent notion of intent, but rather tries to empirically analyze the series of agencies at work in genocide. Second, Lemkin's notion of intent both reproduces and breaks with classical legal understandings of intent. In some respects, his work resembles the contemporary

notion of ‘constructed intention.’<sup>295</sup> As I will discuss in the next few pages, Lemkin argues the law can and should retrospectively determine whether genocide took place regardless of express motives. Yet, Lemkin also insists on a strong version of the juridical-legal subject defined by explicit, volitional, and conscious choices. The tension between Lemkin’s empirical descriptions of agency and his legal understanding of agency poses problems for any attempt to draw a unitary theory of intent from his work. In this sense, Lemkin’s notion of intent offers conceptual resources for the development of the normative understanding of genocide and, simultaneously, subtly undermines it.

The first clue to unpacking Lemkin’s understanding of intent comes from exploring the links he makes between the acts he defines as genocide and the subjects he holds accountable for these acts. For instance, Lemkin initially characterizes genocide as “a *coordinated plan* of different actions *aiming* at the destruction of the essential foundations of the life of national groups, with the *aim* of annihilating the groups themselves.”<sup>296</sup> Here, Lemkin refers to genocide as a coordinated plan with a specific aim or purpose. However, he does not describe the actors or agents behind the plan nor does he describe how the plan comes to be coordinated. Lemkin thus appears to credit acts of genocide with a degree of forethought, but leaves open the exact degree of volition behind these acts. Lemkin’s writings frequently reproduce this duality by describing genocide as purposive, but without explicitly indicating who or what agency intends the genocide. For example, Lemkin describes “genocide [as] *directed* against the national

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<sup>295</sup> Alexander K. A. Greenwalt, “Rethinking Genocidal Intent: The Case for a Knowledge-Based Interpretation,” SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 1999), <http://papers.ssrn.com/abstract=1517995>.

<sup>296</sup> Lemkin, *Axis Rule in Occupied Europe*, 79, my emphasis.

group.”<sup>297</sup> Later, he states “the occupant [Germany] has elaborated a system *designed* to destroy nations according to a *previously prepared plan*.”<sup>298</sup> In these instances, Lemkin seems to be crafting a strong concept of intent and premeditation on the part of genocidists. Yet, we cannot conclude from these cursory passages, as many genocide scholars do, that Lemkin links genocide to a strong account of intent. Lemkin certainly draws from the specific context of the Nazi genocide in which express planning took place, and even cites *Mein Kampf* as evidence of intent, but in many descriptions of the acts of genocide, Lemkin offers a subtle account of the unintended effects or lack of explicit oversight or control of genocidal violence. These descriptions contrast with the notion of genocide as a coordinated plan and, at the very least, they indicate that the ‘coordination’ ongoing in genocide is an unintended rather than planned part of the violence. Indeed, one of the fascinating features of Lemkin’s writing is the absence of a clear description of the perpetrators of genocide beyond vague references to ‘German authorities,’ ‘Nazi leadership,’ or state structures. Put differently, Lemkin includes a multiplicity of different actors in his description of the preparation, planning, and execution of genocide.

This feature of Lemkin’s thought also appears in his description of the various techniques of genocide. For example, Lemkin describes a set of ‘political techniques’ that include changing the names of signs, roads, and streets to German, shifting family names, attaching administrators to the government, and the creation of Nazi parties in occupied states.<sup>299</sup> In his writings, this set of actions involves many different sources of authority, agency, and causality. The effort to reregister Poles with German names, for instance,

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<sup>297</sup> Ibid, 79, my emphasis.

<sup>298</sup> Ibid, 81, my emphasis.

<sup>299</sup> Ibid, 82-3.

occurs as part of the explicit colonization efforts of the *Generalgouvernement* and takes place under the purview of colonial administrators. In contrast, Lemkin describes a process of ‘Germanization’ underway in Poland that he directly associates with Nazi military authority, eugenic ideology, and corrupt lawyers. Lemkin will also discuss acts of genocide that develop spontaneously such as episodes of sporadic killing or the occasional destruction of a business or community center. In these cases, Lemkin views the acts as broadly part of a ‘coordinated plan,’ but does not single out an authoritative source responsible for their development. Rather, he describes genocide as a multiphase process that incorporates different sites of political agency. What distinguishes genocide, in his thought, is that it stretches between these various acts. Read in this light, Lemkin describes genocide as both an intended act and as partly emergent. This distribution of agency and intention reflects Lemkin’s attempt to empirically document genocide by describing the multiplicity of acts that contribute to the destruction of the group.

However, Lemkin also argues that each individual’s participation in the formation and execution of the coordinated plan constitutes a part of the crime of genocide. For example, Lemkin makes a strong case at the end of *Axis Rule* for making all participants in genocide liable for the crime and eliminating altogether the defense of ‘superior orders.’ Lemkin expresses this directly by stating “in order to prevent the invocation of the plea of superior orders, the liability of persons who *order* genocide practices, as well as of persons who execute such orders, should be provided expressly by the criminal codes of the respective countries.”<sup>300</sup> Lemkin reasons that despite the lack of explicit planning each individual had the capacity to make a different decision. Moreover, he argues that punishing this form of participation is essential to deterring the crime of

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<sup>300</sup> Lemkin, *Axis Rule in Occupied Europe*, 93, his emphasis.

genocide because it constitutes a severe penalty for thoughtlessness. In doing so, Lemkin evinces a desire for law and punishment to intervene and reshape the individual desires of genocidists. In his recommendations for the future, Lemkin again cites the need for international law to explicitly ban the appeal to superior orders in order to prevent the future commission of genocide by creating a firm policy of universally punishing all participants in genocide. In this argument, Lemkin appears to endorse a notion of intent that treats the individual as a fully autonomous decision maker and subject to independent legal scrutiny. In this model, intent exists not in the ‘coordination’ of a plan, but with the desires and actions of each participant in a genocidal process.

Thus far, Lemkin’s account of intent sounds largely consonant with the contemporary categories of the normative understanding of genocide. However, this consonance hinges on how we interpret the Lemkin’s vision of the ‘plan.’ Indeed, Lemkin’s work appears at the height of the Nazi genocide and this makes his writing subject to the intricacies of the internationalist-functionalist debate in Holocaust studies. In brief, this debate centered on the question of whether or not the Final Solution was a premeditated or historically emergent event. Lemkin’s writings seem to fall on both sides of this debate at different times. For instance, his description of the German leaderships efforts to design the genocide emphasizes premeditation and succumbs to an intentionalist reading.<sup>301</sup> At other moments, Lemkin describes the plan in functionalist terms as coming into being through a series of deviations and changes: “the plan of genocide had to be adapted to political considerations in different countries. It could not be implemented in full force in all the conquered states, and hence the plan varies as to

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<sup>301</sup> For an overview of the history of this debate see Richard Bessel, “Functionalists vs Intentionalists: The Debate Twenty Years on or Whatever Happened to Functionalism and Intentionalism,” *German Studies Review* 26, no. 1 (2003): 15–20.

subject, modalities, and degree of intensity in each occupied country.”<sup>302</sup> According to Lemkin’s descriptions, the plan thus includes explicit objectives and variations, inconsistencies, and *ad hoc* developments. Lemkin uses this description to assess the empirical emergence of the Nazi Genocide. In contrast, his appeal to the notion of the plan and his extension of legal culpability to all participants in the genocide develop from his effort to legally prohibit genocide. The intentionalist aspect of Lemkin’s account thus serves to ground legal judgment and punishment while the functionalist aspect describes the set of acts historically constitutive of genocide.

In this regard, the notion of intent appears in two different forms in Lemkin’s work. In the first form, the *content* of intent is widely distributed to different agencies, authorities, and persons. This collection of different agencies coordinates the plan of genocide in a variety of techniques or acts. In the second form, the *structure* of intent remains the same for each participant in by constituting their participation as an independent participation in a premeditated crime. The two forms of intent thus enable Lemkin’s work to draw together the different causal agencies responsible for genocide and the punitive mechanisms he considers necessary to deter it. In doing so, Lemkin’s work establishes a new domain of knowledge about genocide that works to connect these two senses of intent together by relating the causal mechanisms producing genocide directly to the expressions of specific, punishable agents. In other words, Lemkin’s work establishes the distinction between the genocidist as a subject of enunciation and a subject of action and enables a legal apparatus to interpret the latter in terms of the former. This structure facilitates the formation of knowledge regarding genocide as well

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<sup>302</sup> Lemkin, *Axis Rule in Occupied Europe*, 81.



as recommendations for ending it, but also produces a division within the study of genocide between emphasizing its legal implications and social dimensions.

The division between legal and sociological interpretations of genocide and genocidal intent has long been a source of criticism and, in part, gave rise to the discipline of genocide studies.<sup>303</sup> The division originates in Lemkin's attempts to link the emergence of genocide as a new kind of social problem to a juridical solution. For the concept of genocide to function, intent thus has to appear in two different forms, which interrelate, shift, and displace one another. While most scholars focus on the limitations of the UNGC's notion of intent, it is important not to overlook how Lemkin connects these two disparate notions of intent. In particular, Lemkin works to expand the scope of legal power to govern the various agencies responsible for the creation, implementation, and execution of a plan of genocide. The set of links formed between causal factors, intent, criminal liability, the powers of law, and the image of the perpetrator set the stage for a larger series of studies of genocide, which would form the terms of political discourse on this subject to the present. Lemkin's work paved the way for the formation of complicity between a legal concept of genocide and the extensive deployment of disciplinary mechanisms designed to prevent genocide. Indeed, Lemkin envisions the scope or power of international law primarily as a preventative mechanism against the occurrence of future genocides. The production of knowledge about intent in Lemkin's writings thus contribute directly to the emergence of what I call the *preventionist logistic*, which will be explored later in this chapter. In particular, Lemkin's work places into connection the causal origins of genocide and the mechanisms of prevention by focusing on intent as the medium for working on the desire to commit genocide. Both the UNGC

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<sup>303</sup> Shaw, *What Is Genocide?*, 8-14.

and the subsequent development of the normative understanding largely reiterate this link and attempt to perfect the regimes of knowledge that explain the social determinants of genocide and the genocidist themselves.

Many of the themes of Lemkin's work find expression in the UNGC. However, unlike Lemkin, the UNGC does not detail the specific empirical cases or acts constitutive of genocide. Historically, the UNGC thus left open the question of amassing evidence of genocidal intent, a subject that has become a question of renewed interest following the creation of the Rome Statute. The final text of the UNGC uses the language of intent explicitly. Article II states "genocide means any of the following acts committed with *intent* to destroy, in whole or in part, a national, ethnical, racial or religious group, as such."<sup>304</sup> The notion of intent also frames several of the sub-clauses of Article II. Article II section (b), for instance, describes an act of genocide consisting of "*serious* bodily or mental harm" while article (c) describes acts "*deliberately* inflicting on the group conditions of life *calculated* to bring about its physical destruction in whole or in part."<sup>305</sup> Article III of the UNGC also describes the list of punishable 'acts' of genocide including conspiracy, direct and public incitement, and complicity, all of which suggest a premeditated effort to destroy members of the group.<sup>306</sup> Intent thus appears numerous times and in numerous forms in the final text of the UNGC.

In contrast, the early drafts of the UNGC vary in their use of both the term and notion of intent. The Secretariat Draft of the Convention, for instance, describes genocide

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<sup>304</sup> "Convention on the Prevention and Punishment of the Crime of Genocide."

<sup>305</sup> Ibid, my emphasis.

<sup>306</sup> Ibid.

as “the *intentional* destruction of a group of human beings.”<sup>307</sup> Several other drafts of the Convention contain no explicit reference to ‘intent,’ but instead describe genocide as an act “with the *purpose* of destroying [the group] in whole, or of *preventing* its preservation or development.”<sup>308</sup> In this case, the word ‘purpose’ replaces intent. The difference between intent and purpose, as it has legally been interpreted, is subtle, but important. ‘Purpose’ introduces a greater degree of ambiguity into the text since it implies a separate determination from a determination of intent. To clarify, ‘purpose’ and ‘intent’ both describe the *directedness* of an act of genocide. Nonetheless, intent references a conscious, volitional subject who willfully carries out a specific act whereas ‘purpose’ has historically referred to the ends of the act itself without necessarily describing the subject who initiates or engages in an act.<sup>309</sup> The distinction between the two forms of intent thus reproduces the division in Lemkin’s work between the subject of enunciation and the subject of action. However, the final draft of the UNGC obviously prioritizes a strong notion of intent characterized by a volitional subject. This leaves the UNGC in a predicament because the notion of intent it subscribes to makes it difficult to determine when and if genocide is occurring. Indeed, the final draft of the UNGC endorses an understanding of intent that requires not just general, but ‘specific intent.’ Specific intent refers to an additional legal standard where the commission of a crime occurs on the basis of particular beliefs or motives. Specific intent is thus stronger and more difficult to prove than general intent. The final text of UNGC Article 2 qualifies ‘national, ethnical, racial, and religious’ groups with the terms ‘as such’ precisely to reinforce the standard of

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<sup>307</sup> UN Secretariat, “Convention on the Prevention and Punishment of the Crime of Genocide- Secretariat Draft.”

<sup>308</sup> Ad Hoc Committee of the Economic and Social Council, “Convention on the Prevention and Punishment of the Crime of Genocide- Second Draft,” my emphasis.

<sup>309</sup> Schabas, *Genocide in International Law*, 259.

specific intent; in fact, contemporary commentators interpret this language as an indication of a specific intent standard and believe that *mens rea*, or mental attitude of the perpetrator, is deeply at stake in the crime of genocide.

The UNGC's emphasis on specific intent actually produces a problem for subsequent efforts to describe or prosecute genocide because proving the perpetrator's mental attitude is not easy. Moreover, the UNGC definition of genocide, in contrast to Lemkin's voluminous writings, does not provide any theory or empirical analysis of genocide. As a result, the UNGC relies on a series of supplementary knowledges in order to determine whether or not specific intent was present and, consequently, whether or not genocide took place. The largely formal notion of intent at work in the UNGC thus finds a complement in behavioral theories of intention that draw from historical evidence and case studies in order to determine whether an act of genocide took place. In doing so, UNGC invisibly reproduces Lemkin's division between the subject of enunciation and the subject of action. In this case, the standard of specific intent serves as a guide for interpreting a subject's actions, but requires an appeal to other theories and forms of knowledge about genocide to ground these judgments. Nonetheless, the discrepancy between the specific intent standard and the various legal, scientific, and analytical mechanisms for describing intent problematize the determination of genocide.

In a way, the UNGC attempts to conceal the gap between the specific intent standard and the empirical discussion of genocide through an appeal to sense. Indeed, as William Schabas argues, the drafting process of the UNGC was highly contentious and even contradictory on the question of intent.<sup>310</sup> Yet, the final text of the UNGC makes direct reference to intent and, as described above, reinforces the deliberate, purposive

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<sup>310</sup> Ibid, 260.

nature of the acts in question in several places in the text. More importantly, the UNGC not only defines acts of genocide by specific intent, but it also explicitly criminalizes the intent to commit genocide, through hate speech, political mobilization and other means, in later articles.<sup>311</sup> The UNGC thus paradoxically both invokes intent to identify genocide and criminalizes these intents as coextensive with genocide itself. As a result, the UNGC folds the punitive force of law directly into the concept of intent by making the existence of an intention a kind of crime. Put differently, incitement or speech, which identify the propensity for an act of genocide, also constitute a crime of genocide according to the terms of the UNGC. Much like Lemkin's use of two notions of intent, the UNGC here invokes two different forms of intent. In the first instance, intent emerges from a series of statements or expressions. In the second instance, these statements and expressions constitute actual acts of genocide. By both criminalizing expressions of intent as a form of genocide and referencing those expressions to determine when an act of genocide occurs, the UNGC links the purposive dimension of acts directly to an initiating subject in a speaking situation. The rhetoric of the genocidist consequently serves to substantiate the existence of genocidal intent and as an analytical device for interpreting the subsequent actions of a genocidist. Unfortunately, this doubling of intent makes the notion incredibly fragile because intent both serves as evidence of the existence of genocide and as an expression of genocide.

However, this raises a new problem for the UNGC. If intent both constitutes a crime and is evidence of the crime then how do we define or determine intent? Indeed, the UNGC's dual formulation of intent produces a paradox where discovery of intent would always already be discovery of a crime having occurred. Intent, which marks the

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<sup>311</sup> Ibid, 245.

desire for an act, would thus be both ground for determining an event of genocide and genocide itself. The criminalization of intent would thus outlaw intent for an act prior to an act's occurrence, but the existence of the intention would be the only legal evidence of the existence of an act. Intent both serves to ground or identify genocide and operates as a form of genocide. Genocide would consequently only be identifiable either wholly prior to its arrival or after it had already taken place. There would be, in essence, no ongoing genocide, but a genocide yet to come or one already transpired.

The only way to avoid this circular structure is to invoke a structure of sense, which resolves the tension between the two dimensions of intent. What sense supplies is an interpretive backdrop within which articulations of intent become intelligible. As such, sense separates the two notions of intent from one another by treating them as separate dimensions of a subject's belief and conduct. In many cases, genocide law scholars make explicit reference to the function of sense when they describe the possibility of 'inferring' intent from a series of actions. In these cases, intent emerges as a product of an interpretive act by a court, judge, or prosecution, which reads the actions of the genocidist in light of a particular regime of sense. In this context, sense provides the coherence of enunciations and expressions. More importantly, sense differentiates the acts of divining or discovering intent and the criminalization of intent as actualized in the conduct of the subject. Put differently, sense enables intent to be dispersed throughout the acts of a subject of genocide and, as a result, to both serve as the origin of genocide and as its criminal dimension. Sense renders the genocidists little more than their intents perfectly reflected in their actions. In this regard, sense resolves the tension in the UNGC's formulation of intent by treating intent both as a mechanism for identifying

genocide and as implicit in genocidal conduct. To make this connection, sense tightens the connection between the subject of enunciation and the subject of action by interpreting both through a common rubric or frame.

It is the expectation of coherence between intent and action, generated by sense, which may have given Hannah Arendt such considerable pause when she confronted the figure of Adolf Eichmann. Indeed, Arendt's thesis on the banality of evil describes the limits of a regime of sense because in her reading Eichmann's fundamental thoughtlessness, rather than malice or special intent, enabled horrible administrative massacres.<sup>312</sup> Eichmann's inability to consider the lives of others reflected, in Arendt's musings, a challenge to traditional theories of evil not because Eichmann did not commit (and intend to commit) heinous crimes, but because he did so as a byproduct of his thoughtlessness rather than an insidious, volitional, and practiced racism, which typically characterize the normative image of the genocidist. While sense makes the character of intent appear seamless, Arendt discovered a deficit or hollowness in this presumption. Eichmann's concern for his career, small-minded aspirations, and short-sightedness lacked many features of the profile of the genocidist supplied by sense (and the UNGC). Hence, Arendt argues that the unthought (and in this respect unintentional or perhaps after intentional) dimension of mass violence as crucial to its execution.<sup>313</sup> Arendt's thesis has long been the center of considerable controversy and even decades later scholars still attempt to rebut it by researching Eichmann's virulent anti-Semitism.<sup>314</sup> These virulent rebuttals highlight how important the function of sense is to the normative

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<sup>312</sup> Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Rev. Ed (New York: Viking Press, 1964), 135-136.

<sup>313</sup> Ibid, 288.

<sup>314</sup> For a summary of this effort see Robin, "The Trials of Hannah Arendt."

understanding of genocide and to the figuration of genocidist. Indeed, it is almost as if it is not enough that Eichmann enabled the murder of millions, he must also have a special desire, an intent, for such outcomes and this desire must represent the truth of an atrocity.

The example of Eichmann illustrates how sense guides the interpretation of genocide by making intent both appear prior to and within conduct thereby resolving the tension between a notion of genocide as a volitional, conscious, and autonomous act and the criminalization of these intentions. In this regard, sense applies a filter to various behavior, statements, and actions of a genocidist. This filter enables only certain relations to express themselves and be understood as legitimate thereby determining the intelligibility of action in advance. Unfortunately, this use of this filter also produces ‘unintelligible’ behavior, actions not readily intelligible to sense, and draws upon other forms of knowledge in order to account for the unintelligible portions of the criminal subject. In this way, sense constantly supplements itself, hiding its own gaps and omissions, just as it supports the paradoxical status of intent in the UNGC as both evidence of and commission of the crime of genocide

More importantly, the work of sense in the UNGC aligns the notion of intent more closely with the normative understanding than Lemkin’s problematic formulation. It does so by identifying a specific kind of subject, which authorizes and can be held accountable for acts of genocide. By moving away from Lemkin’s focus on genocide as a plan and instead making intent the condition for an act of genocide, and by filtering ‘intent’ through a particular form of sense the UNGC effectively relocates the intent for genocide in a particular individual, state, institution or belief. By tightening the notion of intent, the UNGC supports the creation of the normative understanding, which likewise



restricts intent to a specific set of political actors with readily identifiable desires, dispositions, and beliefs. However, in doing so, the UNGC also excludes the possibility of a more complex picture of the emergence of genocide as well as any possibility of ‘negligent’ or ‘unintentional genocide since the very possibility of these kinds of genocide would call into question the structure of sense and notion of the subject that renders genocide criminal under the terms of the UNGC.

### Normative Intentions

As previous chapters have discussed, following the ratification of the UNGC, genocide slipped from political discourse due to large number of shifting social conditions. When genocide scholars and activists rediscovered the concept decades later, the notion of intent underwent decisive modifications and was transformed into the normative understanding of genocide. The normative understanding refashioned the notion of intent in accordance with two distinct, but overlapping agendas: the creation of international legal standards and the development of robust social theories of genocide. Each agenda rearticulated intent in a normative fashion by extending the UNGC’s insistence on a specific causal agent who bears responsibility for the emergence of genocide. While many genocide scholars have commented on the discrepancy between scholarly and legal efforts to study genocide, few have noticed the continuities surrounding the notion of intent. Indeed, it is only recently that intent has been engaged critically in academic and legal domains as the case of Haiti described in chapter one indicates. This section briefly surveys a sample of both academic and legal examples of intent to illustrate how both work to consolidate the normative understanding of genocide

and pave the way for a politics of security, preemption, and control. The following sections describe several of the problems produced by the normative understanding of intent for the politics of genocide.

Many scholars explicitly offer a normative understanding of intent in their writings. They do so in order to clearly define their field of study. In particular, these definitions describe the intentions of a particular causal agency that produces genocide. This agency takes many forms such as a leader, politician or religious figure or an ‘objective’ structure such as a state institution or military organization. What is important in each case is less the content of these figures than the form that intent takes across different normative definitions of genocide. By this I mean the normative discourse on intent envisions agency as isolated to discrete bodies that can be held accountable for the commission of genocide regardless of the makeup of the particular agent. Changes to the content of intent vary significantly with shifts in the social and behavioral sciences as well as popular imaginaries about massacre and mass violence in contemporary politics. Discoveries about intent thus more often reflect particular circumstances than reimagine the set of social relations brought to bear by the concept of intent. Yet, these variations typically reinscribe the basic structure of the normative understanding of intent.

Jack Nusan Porter provides a good example of the normative understanding of intent. Porter describes genocide as “the *deliberate destruction*, in whole or in part, by a government, a state authority, or its agents-with intent to destroy-of a racial, religious, tribal, ethnic, cultural, sexual, or political group.”<sup>315</sup> Porter’s definition reproduces many aspects of the normative understanding and, indeed, was crafted for the express purpose

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<sup>315</sup> Jack Nusan Porter, *The Genocidal Mind: Sociological and Sexual Perspectives* (Lanham, MD: UPA, 2006), 11.

of developing a normative theory of genocide. In his definition, the element of intent is made explicit. Genocide occurs as ‘deliberate’ action and by the state, government or its agencies. In doing so, Porter ascribes specific causal agents, in this case the state, with unique responsibility for the emergence of genocide. Porter’s work then employs this definition to recommend a specific set of guidelines for the use of the concept of genocide. Interestingly, Porter calls for the expansion of the number of groups considered subject of genocide to include sexual, tribal and political groups.<sup>316</sup> However, he still predetermines the field of study of genocide by reemphasizing a strong notion of intent tied to particular political agencies. Porter’s work also condemns how “the term has been abused by political activists...[and] even professional scholars have misused the concept.”<sup>317</sup> Porter’s invocation of intent consequently serves to differentiate legitimate and illegitimate episodes of genocide. Here, the force of the normative understanding of intent is explicitly put to the purpose of restricting the use of the concept genocide. While Porter defends this as vital to analytical and sociological clarity, he does so without considering the productive effects of the discourse of genocide more broadly.

Porter’s example is far from alone. Chalk and Jonassohn’s classic definition of genocide as “a form of one-sided mass killing in which a *state or other authority intends* to destroy a group, as that group and membership in it are *defined* by the perpetrator,”<sup>318</sup> goes a step further than Porter to indicate alternative sources of authority, but retains the same *form* of intent characterized by volitional, willful causal action. Other figures such as Steve Katz emphasize the importance of intent to an even greater degree: “the concept

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<sup>316</sup> Ibid, 5.

<sup>317</sup> Ibid, 5.

<sup>318</sup> Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies*, 1st edition (New Haven: Yale University Press, 1990), 23.

of genocide applies *only* when there is an *actualized intent*, however successfully carried out, to physically destroy an entire group (as such a group is *defined* by the perpetrators).”<sup>319</sup> Unlike Porter and Chalk and Jonassohn, Katz clarifies that actualized intent constitutes an exclusive or necessary criteria for defining genocide, but does not specify what organization or entity perpetrates genocide thereby abandoning a specific content, but retaining the form of intent as the causally determinate action of a discrete agent.

More contemporary approaches to genocide reproduce this structure. Barbara Harff, for example, refers to “genocides and politicides [as] *the promotion, execution, and or implied consent of sustained policies by governing elites or their agents-or, in the case of civil war either of contending authorities-that are intended to destroy, in whole or in part, a communal, political, or politicized ethnic group.*”<sup>320</sup> In this statement, Harff specifies the subject of intent to a degree further than the other authors just discussed because she isolates responsibility for genocide within particular elites (individuals) rather than state institutions. Her definition consequently supports an approach to intent that resonates directly with the ambitions of the UNGC to attach criminal liability to particular persons. In contrast, Martin Shaw defines genocide as “a form of violent social conflict or war, between armed power organizations that *aim* to destroy civilian social groups and those groups and other actors who resist this destruction.”<sup>321</sup> Shaw’s notion of intent goes in a different direction from Harff’s insofar as it focuses on the generic

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<sup>319</sup> Steven T. Katz, *The Holocaust in Historical Context: The Holocaust and Mass Death before the Modern Age* (Oxford University Press, 1994), 128.

<sup>320</sup> Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955,” *The American Political Science Review* 97, no. 1 (February 2003): 58, emphasis in the original.

<sup>321</sup> Shaw, *What Is Genocide?*, 154, my emphasis.

category of ‘armed power organizations’ and employs the broader language of ‘aim.’ Shaw’s work also endeavors to think perpetrator and victim groups as mutually constituted identities. Yet, Shaw nonetheless defines these identities by an objective status of what he calls ‘the structure of conflict.’ As I discussed in chapter two, the ‘structure of conflict’ reproduces a normative understanding of genocide because it singles out a specific objective structure of genocide that determines the form genocide necessarily takes.<sup>322</sup> In this way, Shaw offers a looser, but nonetheless restrictive account of genocide. If Harff represents one extreme tendency of the normative understanding, isolating intention and causality within the personality of a specific elite or leader, then Shaw represents the other end of the spectrum by emphasizing the generality of intent amongst a diffuse organizational structure. In these works, the category of intent enables scholars to differentiate the set of actors ultimately responsible for genocide. However, scholars who endorse the normative understanding rarely investigate the presuppositions they fold into the notion of intent. As a result, intent serves as a language of figuration that frames causal agency, but does so by endorsing an implicit set of background assumptions about causality, morality, and politics. These assumptions, in turn, determine what events appear as genocide in the first place.

Recent legal scholars and international courts also produce a normative understanding of intent. For example, the creation of the Rome Statute clarified the definition of *mens rea*, the mental element of intent, applicable at the International Criminal Court (ICC). Article 30 of the Statute interprets intent in the following way: “where, in relation to conduct, that person means to engage in the conduct; in relation to a consequence that person means to cause that consequence or is aware that it will occur in

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<sup>322</sup> Ibid, 93.

the ordinary course of events.”<sup>323</sup> In this Article the Rome Statute identifies two different relationships between causality and intent. The first concerns conduct. In this case, genocide occurs only if the person ‘means’ to engage in conduct. The verb means signifies an intentional relationship to the element of conduct. In the second, the language of cause is explicit. Here, the Statute describes the subject as ‘aware’ of the consequences of an action. Like Lemkin and the UNGC, the Rome Statute thus offers two different formulations of intent one with respect to the subject of action and the other the subject of the statement. These two formulations offer a particularly rigid interpretation of intent because they force both conduct and knowledge to be expressly interested in the execution of genocide. The proceedings before the ICC consequently serve largely to establish the knowledge, motive, and intent of a genocidist via a number of documentary processes. The underlying assumption is that intent manifests clearly in both the conduct and knowledge of a genocidist such that an obvious pattern will emerge so that it can be subject to legal judgment.

The Rome Statute was not created *ex nihilo*, but represents a dominant trend in international law. The 1996 International Law Commission, for instance, describes genocide in the following fashion:

The prohibited acts enumerated...are by their nature *conscious, intentional* or *volitional* acts which an individual *could not usually commit without knowing that certain consequences were likely to result*. These are *not* the types of acts that would normally occur by *accident* or even as a result of *mere negligence*...[A] general intent to commit one of the enumerated acts combined with a general awareness of the probable consequences of such an act is not sufficient for the crime of genocide. The definition of this crime requires a *particular state of mind* or a specific intent with respect to the overall consequences of the prohibited act.<sup>324</sup>

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<sup>323</sup> As quoted in Schabas, *Genocide in International Law*, 256.

<sup>324</sup> International Law Commission, “Report of the Commission to the General Assembly on the Work of Its Forty-Eight Session-Volume II Part 2” (United Nations, 1996), 44, my emphasis.

In this statement, the International Law Commission explicitly recreates the division between specific and general intent by stipulating that genocide occurs not only as a product of ‘conscious, intentional or volitional acts,’ but with a particular state of mind. Specific intent differentiates genocide from the broader category of Crimes Against Humanity, which under the Rome Statute covers a wide variety of illicit acts without respect to specific intent. Thus, in both the International Law Commission and Rome Statute specific intent distinguishes or defines the crime of genocide. However, this forces legal discourse to appeal to a variety of theories of motive, causation or, in short, knowledge regarding the intent of the genocidist. In this respect, demands for stronger international legal regimes or norms find themselves dependent not only on the whims of the great powers, but the regimes of knowledge constituting the subject of genocide.

Contemporary international law continues to distinguish genocide and other crimes on the basis of ‘intent.’ The International Commission on Intervention and State Sovereignty (ICISS) crafted the new doctrine the R2P, which has increasingly framed contemporary atrocity intervention. R2P makes express reference to intent in describing the ‘just threshold’ for international military intervention in humanitarian crises and makes direct reference to the intent standard.<sup>325</sup> Other court prosecutions at the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY) have likewise referred to intent in order to assess the application of charges of genocide. A broad consensus thus appears to exist on the notion of intent under international law. Nonetheless, the appearance of consensus is misleading for two reasons. First, this consensus is largely centered on terminology, but not

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<sup>325</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa, ON, Canada: International Development Research Centre, December 2001), xii.

necessarily the subsequent meaning of the terms. Court systems, laws, and legal documents disagree about the basic features of intent. Second, genocide tribunals and trial processes are in their infancy. As a result, the rubrics discussed under Rome, the ILC, and international courts have yet to be fully developed or standardized. What unites these different developments is the discursive practice of invoking intent to describe genocide, describe causal agency, and recommend punitive measures. The law, however, does not offer a theory of intent. It depends on other regimes of knowledge, drawn primarily from social science, reporting, and non-governmental organizations, in order to produce a body of knowledge that substantiates a need for genocide prosecution. These theories supply the insights into the causal origins of an event of genocide, which then enable legal prosecution to continue. The legal notion of intent consequently rests upon theories of causal efficacy that do not originate in the law. These theories supply the profile for determining when acts of genocide take place. The legal notion of intent is thus intimately linked to social theory and both rearticulate the normative understanding of genocide.

In summary, the normative understanding of intent plays an important role in binding the subject, as a conscious, willful agent, to a series of actions for which they become the causal source or originator. The notion of intent is thus critical to both legal and social science endeavors with respect to genocide because it facilitates the attribution of causal relationships and supplies the criteria for diagnosing when, where, and how genocide takes place as well as the application of punitive and preventative measures. In both cases, intent also works retroactively to assess specific statements, actions, or behaviors by linking a subject's enunciations to their actions. Like Lemkin and the



UNGC, the normative understanding of intent reproduces these two formulations of intent. In doing so, they open intent and desire as a field of study and punitive intervention. In many respects, the entire purpose of international law is to modify this intention through a form of deterrence. As such, the normative understanding constitutes the law as a space for the governance of desire by recourse to different theories of social action, personality, and psychology and a variety of novel procedures for confining, restricting, and inhibiting these desires.

The normative understanding of intent has three important implications for the politics of genocide. First, how we envision the notion of intent and the set of causal links between desire and action will impact what events appear as genocidal in the first place. These images, in turn, shape statecraft, legal reforms, and humanitarian interventions designed around an implicit theory of genocide. The notion of intent functions to include and exclude different episodes or cases of genocide and to recommend different responses to genocidal conduct. Second, intent becomes the place where scholars of genocide impart their own assumptions, experiences, or memories of events in the elaboration of aesthetic structure. By this I mean causal mechanisms and the knowledge of behavior concern particular aesthetic relations between the genocidist and the events they allegedly produce. The work of intent concerns equal parts a figuration of agency and a description of empirical or historical acts with the former serving as a frame or background for the later. Third, by determining the set of causal relations surrounding genocide, the notion of intent opens the door for a move from punishment to prevention. Indeed, the normative understanding of intent aspires to establish a regime of knowledge capable of explicating the complex relations between desire and behavior that produce

genocide and thereby open these relations to intervention, calibration, and attenuation in the hope of preemptively stopping genocide from taking place. As the next section will discuss, the rise of genocide prevention has been a component of these discourses from their inception and resonates with contemporary politics of exception and emergency. This discourse establishes temporal boundaries of the genocide event in such a way that it excludes a multiplicity of forms of ‘slow violence’ such as indigenous and colonial atrocities.<sup>326</sup>

### Unintentional Genocide

The normative understanding of intent promotes a vision of genocide as the willful, conscious act of a knowing subject bent on the annihilation of a group of people. This notion continues to have force and, as recently as 2007, Guenter Lewy, author of the famous *America in Vietnam*, argues “there is every reason not to ignore the role of intent in what is often called ‘the crime of crimes’- the destruction of an entire group of people or genocide. Proof of specific intent is necessary to find an individual guilty of genocide, and the role of intent is similarly crucial when the historian assesses an episode of mass death that occurred in the past.”<sup>327</sup> Comparing the number of deaths in a genocide to an epidemic, Lewy continues: “to the victims [how they died] makes no difference...It does make a difference for the assignment of responsibility and guilt and, more importantly, for historical truth.”<sup>328</sup> Lewy’s argument brings together legal and scholarly dimensions of the normative understanding by making a strong notion of intent a key tool for both

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<sup>326</sup> Nixon, *Slow Violence and the Environmentalism of the Poor*.

<sup>327</sup> Guenter Lewy, “Can There Be Genocide without the Intent to Commit Genocide?,” *Journal of Genocide Research* 9, no. 4 (December 1, 2007), 671.

<sup>328</sup> Ibid, 672.

adjudicating questions of legal culpability and accurately depicting history. Lewy is not alone in making this argument. William Schabas explicitly repudiates the implications of anything but a strong notion of intent: “while the desire to extend international law to cover negligent behavior of governments and corporations is commendable, this becomes somewhat far removed from the stigmatization of genocide as the ‘crime of crimes’ for which the *highest level of evil and malicious intent is presumed*. Extending the scope of genocide to crimes of negligence can easily trivialize the entire concept.”<sup>329</sup> Lewy and Schabas’s position reflects the most recent incarnation of the normative understanding of intent. Their argument privileges a distinction between acts of commission and omission, which aligns with the specific intent standard enumerated by the UNGC. Establishing this connection, according to them, is critical for using historical evidence to render discrete judgments on the culpability of individuals for genocide. In this argument, intent serves as a key mechanism in a punitive apparatus, which is supposed to deter genocide and render justice possible.

The possibility of ‘negligent,’ ‘accidental,’ ‘unintentional,’ or even ‘unconscious’ genocide poses a serious threat to the normative understanding of genocide because it highlights the arbitrary character of the distinction between different acts of destruction. Figures like Lewy and Schabas are consequently obliged to double down on the strong notion of intent as a legitimate, natural, and sensible guide for parsing intentional and purposeful action from unintentional or negligent conduct. In making these claims, Schabas and Lewy also draw explicitly from the image of radical evil to explain why a strong notion of intent is critical to the politics of genocide. In their work, radical evil acts as a filter for describing the form genocide takes as a kind of crime: it defies explanation,

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<sup>329</sup> Schabas, *Genocide in International Law*, 269-270, my emphasis.

but equally supports the notion that specific, volitional entities, rather than social structures and processes, produce genocide. Indeed, the entire punitive response to genocide hinges on the figure of radical evil and is unthinkable outside of it. By drawing on the rubric of radical evil, Lewy and Schabas effectively transform genocide into a massive hate crime by making genocide distinctive purely on the malefic intent. As A. Dirk Moses argues this notion of intent amounts to a form of radical volunteerism that “can only ‘explain’ why [genocides] develop with circular logic by referring to the intentions of the perpetrator.”<sup>330</sup> Genocide consequently becomes a problem of particular attitudes, ideologies, or beliefs extracted from historical context and deemed radically evil. Moreover, by locating these intentions in the individual, the normative understanding of intent imagines a form of genocide prosecution that would either deter individuals from acting on these beliefs or eliminate them altogether via ‘education’ and ‘discipline,’ which could remove the evil elements of a genocidal society. As Moses contends, arguments based on a strong notion of intent develop into elaborate tautologies with no ability to explain the genesis of an episode of genocide. However, as the next section explores, the creation of moral knowledge not only produces deficits in the explanation of genocide, it also legitimates the development of new modes of political governance.

More importantly, by emphasizing a strong notion of intent and drawing on the rubric of radical evil, Schabas and Lewy eliminate the possibility of accidental or unintentional genocides altogether. The exclusion of negligent genocide is problematic in two ways. First, it devalues many episodes of mass destruction, which are either ambiguous in nature or that occur without the obvious intention. Schabas and Lewy

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<sup>330</sup> Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century,’” 21.

dismiss these forms of gratuitous violence as important, but not worthy of the politics of genocide. Second, by overemphasizing intent, Schabas and Lewy make it more difficult to actually study mass violence because they neglect the variations, inconsistencies, and lapses in judgment that also characterize mass destruction. In other words, the strong notion of intent conceals the conditions of possibility for the emergence of mass destruction by making the event a byproduct of a single subject. In this way, Lewy and Schabas's reproduction on the normative understanding excludes episodes from political scrutiny and recreates problematic forms of political power.

Fortunately, the normative understanding of intent has met with significant criticism from a minor tradition of scholars, many of whom have become targets on account of their critiques of intent. Henry Huttenbach, for instance, describes genocide as "any act that puts the very existence of a group in jeopardy."<sup>331</sup> This interpretation, which eliminates any reference to intent, incorporates acts of omission and commission. Huttenbach's work also incorporates a much more careful attempt to describe a series of actions constitutive of genocide without overemphasizing the role of any one perpetrator. In this sense, genocide becomes a process that is both intentional and multifaceted, includes negligence and accidents, but also incorporates purposive action. In Lewy's work, Huttenbach's definition serves as the object of criticism precisely because Huttenbach makes it impossible to assign individuals historical responsibility for genocide by removing reference to intent.<sup>332</sup> Put differently, Lewy seems to believe that a historical study of genocide is only possible using a notion of intent. The historical study of genocide, however, opens the question of how evidence of genocide gets amassed and

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<sup>331</sup> Henry R. Huttenbach, "Locating the Holocaust on the Genocide Spectrum: Towards a Methodology of Definition and Categorization," *Holocaust and Genocide Studies* 3, no. 3 (1988), 297.

<sup>332</sup> Lewy, "Can There Be Genocide without the Intent to Commit Genocide?"

interpreted in the first place. As Alexander Greenwalt argues, the specific intent standard gives the appearance that it is easy to draw crisp distinctions between episodes of genocide and other forms of mass violence and thus to identify historical episodes of genocide. The problem, as Greenwalt succinctly puts it, is that the “purpose to destroy a group qua group exists on a continuum that resists analytical determination.”<sup>333</sup>

Taking this cue, genocide scholars have called attention to how social structures, matrices of power, and widespread political conditions promote attitudes, behaviors, and even expressions of intention. By making motive and intent the critical elements of genocide, they argue, the normative understanding actually produces highly problematic histories. For example, in an explicit rebuttal of Lewy, Tony Barta argues “the emphasis on intention and scope, on purposeful annihilation, has given the word [genocide] its terrible leading edge. It has succeeded in devaluing all other concepts of less planned destruction, even if the effects are the same.”<sup>334</sup> Barta’s claim here is that Lewy has implicitly devalued a series of ‘lesser violences,’ which nonetheless constitute genocide and thereby effectively written them out of history. Barta continues that Lewy believes “genocide, strictly, cannot be a crime of unintended consequences; we expect it to be acknowledge in consciousness. In real historical relationships, however, unintended consequences are legion, and it is from the consequences, as well as the often *muddled consciousness*, that we have to deduce the real nature of the relationship.”<sup>335</sup> Barta’s argument here is both explicit and subtle. On the one hand, he contests Lewy’s assumption that intention provides the best lens for understanding genocide. In contrast, Barta argues that consequences or outcomes ought to dictate how we classify an event of

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<sup>333</sup> Greenwalt, *Rethinking Genocidal Intent*, 2286-7.

<sup>334</sup> Tony Barta, “Relations of Genocide: Land and Lives in the Colonization of Australia,” 238.

<sup>335</sup> *Ibid*, 239.

genocide. On the other, Barta develops a more open concept of intent in his reference to ‘muddled consciousness’ as a state of inconsistent, often partially articulated beliefs, motives, or desires. For Barta, overemphasizing intentionality amounts to a form of historical denial since it restricts the intelligibility of the numerous events, relationships, and circumstances where ‘specific intent’ is lacking, but destruction takes place nonetheless. In a similar reply to Lewy, historian David Stannard contends that ‘intent’ also separates a specific action from a broader climate of attitudes, dispositions, and creeds. Taking issue with Lewy’s reading of indigenous genocide in the Americas, Stannard argues that European missionaries, by definition, sought to eliminate a form of otherness in their effort to assimilate or destroy indigenous cultures. The production of epidemics, malnutrition, and the disruption of social relations, which Lewy disqualifies as forms of genocide, thus have to be framed by a more complex social context. According to Stannard, even if European missionaries did not have contemporary scientific knowledge of disease transmission<sup>336</sup> they welcomed the spread of epidemics amongst indigenous societies and even reference them as evidence of God’s legitimization of the colonial project.<sup>337</sup> In Stannard and Barta’s rebuttals of Lewy, intent functions in a more complex fashion than the normative understanding and it incorporates cultural outlooks, social dispositions, and implicit presuppositions when thinking about both speech and action. Put differently, they interrogate the link between conduct, intent, and desire, which the strong notion of intent makes an object of transparent knowledge. They utilize

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<sup>336</sup> This concession is itself subject to contestation as evidence exists supporting the claim that European colonizers were well aware of the effects of microbial transmission even if they were unaware of microbiology.

<sup>337</sup> “Three Responses to ‘Can There Be Genocide Without the Intent to Commit Genocide?,’” *Journal of Genocide Research* 10, no. 1 (March 1, 2008): 111–33.

this link to bring social assemblages to bear on questions of intent and to reveal how the conditions of possibility for articulating genocidal intent depends on these relationships.

Stannard and Barta's point, however, is not simply that this offers a more historically accurate depiction of genocide, but also that it plays a critical role in what forms of genocide appear as actionable in the first place and, subsequently, what responses are available to genocide. Although neither states this explicitly, the normative understanding renders the majority of colonial violence unintelligible as a form of genocide because it removes longer processes of deprivation and destruction from consideration. In a much earlier essay, Isidor Wallimann and Michael Dobkowski describe the problem of intent in this context succinctly:

The related idea that only intentional or planned massive destruction of human lives should be called genocide can also be a very difficult and, in our opinion, an inadequate notion. As such it has the tendency to gloss over structural violence which through various mechanisms can be equally as destructive of human life as many an intentional and planned program of annihilation. In addition, the presence of structural violence promotes the use of planned violence. The problem here lies not in the difficulty of demonstrating what intentionality means psychologically speaking, but rather in the neglect of those processes of destruction which, although massive, are so systematic and systemic, and that therefore appear so 'normal' that most individuals involved at some level of the process of destruction may never see the need to make an ethical decision or even reflect upon the consequences of their actions. What prevents people from stepping outside of their particular situations and from reflecting upon the consequences of their actions or inactions? Has society, a product of human activity, become so objectified, so alien to its source, that its creators feel no part of its operation feel no possibility of affecting its course of movement? Why is it that individuals do not seem to be able to reflect upon the processes that have made them anonymous actors, cogs in the system, and that have nudged many of them to participate in genocide?<sup>338</sup>

Wallimann and Dobkowski make two important arguments in this statement.

First, they contend that the normative understanding of intent ignores forms of structural violence that can be equally destructive as the rapid, volitional events, which we typically associate with genocide. The slower processes of structural and systematic violence

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<sup>338</sup> Isidor Wallimann and Michael N. Dobkowski, "Introduction," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death* (Syracuse: Syracuse University Press, 1987), xxii.



highlighted by figures like Barta and Stannard subsequently become much more important for thinking about the occurrence of genocide. Second, Wallimann and Dobkowski point out how this framing of intent makes spectacular violence ‘ordinary,’ ‘normal,’ and ‘unproblematic’ so long as it does not originate in radically evil intentions.<sup>339</sup> The normative understanding of intent depoliticizes human activity because it treats genocide (and political violence more broadly) as independent of everyday political routines or, put differently, as exceptional rather than integrated into many spheres of contemporary political life.

Huttenbach, Barta, Stannard, and Wallimann and Dobkowski represent a small sample of critics who challenge the normative understanding of intent linked to the concept of genocide. In each case, a set of historical problems including colonial domination, invisible structural domination, and the complexity of mass violence galvanized their efforts to ‘stretch’ the notion of intent beyond the confines of the individual subject. In reading intent in this fashion, the minor tradition employs a different mode of sense, which problematizes the causal relationships traditionally assumed to be part of genocide as well as the set of memories, forms of evil, and styles of historical writing that buttress normative invocations of intent. Indeed, the minor tradition troubles scholars and activists who defend the normative understanding because it pinpoints how relations of knowledge, culpability, and belief exhibit a greater degree of contingency than we usually think. Critiques of this kind also jeopardize the unproblematic relief for genocide offered by institutions such as the ICC and R2P by

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<sup>339</sup> To clarify, the normative understanding makes Hitler’s acts genocide on account of his desire to destroy Jewish populations, but the effort to improve indigenous life in the Americas would make the destructive consequences of American state intervention non-genocidal despite the elimination of indigenous peoples. Other historical feedback loops and colonial relations, such as the Nazi study of the Bureau of Indian Affairs as a model for population control, also disappear from scrutiny.

highlighting how many of the rubrics that legitimate these institutions develop from the same set of ideologies and dispositions that fostered genocide.<sup>340</sup> The minor tradition of intent consequently challenges normative understanding on multiple fronts by drawing disparate social relations into contemporary thinking about genocide.

This challenge has two important implications for the politics of genocide. First, as I have already discussed, it entails transforming the intelligibility of genocide and contesting the stale incarnation of the concept deployed in international legal institutions. The question of intelligibility conditions not only what events ‘appear’ as genocide, but also how we respond to these events, what forms of ethics, negotiation or justice are appropriate to them, and what connection events labeled genocide have to broader political arrangements. Because the normative understanding of genocide places all the emphasis on the isolated desires of an individual, it constitutes the perpetrator as an object of knowledge and interprets all components of a genocide in light of the individual’s desire. The normative understanding of intent likewise renders genocide prosecution incredibly difficult because the image of intent makes it almost impossible for any action to qualify as a kind of genocide since it lacks the degree of premeditation, motivation, and maliciousness the standard calls for. The intelligibility of genocide consequently forecloses the politicization of multiple forms of violence.

Second, the normative understanding of intent produces representations of desire in order to explain a perpetrator’s intent. These representations, in turn, shape the set of political responses to genocide that the normative understanding endorses. While the minor tradition has done a wonderful job calling attention to the limits of the static representation of desire in the normative understanding, these critiques overlook how the

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<sup>340</sup> See in particular Sven Lindqvist, *Exterminate All the Brutes* (Granta, 2002).

processes of representing desire itself constitute a form of desiring-production. By this I mean that the construction of different representations of desire is itself an investment of desire by the scholars who reiterate the normative understanding. The construction of representation is thus part of producing a larger assemblage in the politics of genocide one that seeks to produce intention as a governable site of contemporary politics and resonates with broader transformations in international security. In this regard, simply critiquing the limits of different representations of desire does not question the underlying ambition of the normative understanding to constitute desire as an object of political control. The minor tradition has thus failed to put into question the more tacit politics of the normative understanding. Indeed, in the process of excavating and describing the subject of genocide, a series of implicit presuppositions about social life, the self, and the nature of violence start to operate on the field of the political itself. The normative understanding of intent supports articulations of genocide intervention, prevention, and prohibition that take whole societies as a kind of biopolitical object. By doing so, the normative understanding legitimates a series of interventions into the social texture of a community in order to render it immune to genocide. In this way, the aspiration of knowing desire supports a new set of political efforts to find and eradicate the elements of genocide within societies prior to their actualization. It is this new theme in the politics of genocide that the next section will discuss in greater detail.

### The Preventionist Logistic

The notion of intent reinforces punitive legal responses to genocide by tying the commission of genocidal acts to a particular subject or perpetrator. However, the politics

of genocide has always been accompanied by a desire to rid the world of genocide before it happens. In short, the politics of genocide includes what Thomas Cushman describes as “the ideology of preventionism.”<sup>341</sup> By the ideology of preventionism Cushman means an aspiration to prevent genocide and a firm belief in the possibility that appropriate legal and political practices will accomplish this aim. Lemkin, for instance, articulates a desire for international law to deter and thereby prevent future episodes of genocide. In the past few decades, the ideology of preventionism has expanded and transformed in connection with the birth of anti-genocide NGOs and the rise of human rights consciousness. In part, the renewed interest in the formation of an anti-genocide regime during this period followed the popular coverage of the violence in Rwanda, Bosnia, and later Sudan. Setting aside for a moment the contested practices of representation that surround each of these events,<sup>342</sup> the surge of interest in genocide generated an agenda calling for new forms of humanitarian intervention and, specifically, practices of genocide prevention. The preventionist agenda includes establishing early warning systems, garnering reliable indicators of the presence of genocide, and strengthening multilateral and global institutional measures and procedures to intervene in episodes of potential genocide. With the creation of the R2P, this initiative appears to have reached the apex of status quo global institutions, but many different NGOs such as Save Darfur, Genocide Watch, and Prevent Genocide Now form a critical part of this movement. Since preventionism exists not just as an aspiration or belief, but in the form of tangible desires, institutional practices, legal texts and is thus widely distributed, I think of it as a logistic that changes

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<sup>341</sup> Cushman, “Is Genocide Preventable?,” 519.

<sup>342</sup> See respectively Campbell, *National Deconstruction*; Mamdani, *When Victims Become Killers*; Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror*, 1 edition (New York: Three Rivers Press, 2010).

governance in several domains. As a logistic, preventionism amends the traditional focus on security by linking the emergence of genocide in the future to the management of the political present. In this way, discussions of genocide no longer occur simply as part of an ideological structure or aspiration, but are folded into novel forms of governmentality.

The growth of preventionism likewise suggests that genocide has been woven into the fabric of global governmentality as a crucial site for the application of international political power.<sup>343</sup> While few would likely argue that stopping an ongoing genocide is not of the utmost ethical importance, the preventionist logistic has another ambition, one more deeply entwined with technologies of control: preventing genocides before they take place or, put simply, preemption. Cushman aptly summarizes this logic:

through empirical and scientific observation of operationally defined cases of genocide, one can isolate the variables and causal mechanisms at work and predict future genocides. Armed with such predictions, one can take specific practical steps to intervene and stop genocides from occurring. The key to success is the development of political mechanisms or structures, which will heed the scientific understanding and possess the political will, which means basically the ability and the physical force necessary to intervene to stop genocide. This model of prevention is naturalistic, in that it assumes that genocide is more or less the same across time and space, and that it is predictable if we can isolate the variables which cause it.<sup>344</sup>

The underlying premise of preventionism is that certain forms of knowledge unproblematically tell us about when and how cases of genocide occur as well as lend themselves to straightforward political interventions. While preventionism is structured by presuppositions about the group and destruction, intent plays a far more important role in this development. In particular, the body of knowledge about intent substantiates the propensity for genocide prior to its occurrence. This knowledge thus enables predictions, forecasts, and preventative efforts to forestall genocide in advance. Dominant theories of intent naturalize a series of binaries articulated at a global level that divide the planet into

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<sup>343</sup> Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security*, Second Edition, New edition (Zed Books, 2014), 11, 38.

<sup>344</sup> Cushman, "Is Genocide Preventable?," 531.

areas that are ‘genocide prone’ and those which are relatively immune to genocide. By employing this division, preventionism not only reifies a Eurocentric account of responsible versus irresponsible polities, but makes it all the more difficult to understand the deep entanglement between ‘genocidal events’ such as Darfur and practices undertaken in the rest of the world.<sup>345</sup> In this respect, preventionism constitutes less an ideology as a kind of logistic entwined with technologies, aspirations, and a desire to manage the future.<sup>346</sup> While the aspiration of preventionism to stop mass violence seems like a worthy cause, the mobilization of the preventionist logistic resonates because of the way it taps into a variety of sentiments about the wayward, downtrodden and victimized nature of the global south. These sentiments more often than not end up uncritically supporting forms of violence, institutional patterns, and regimes that entrench rather than undermine political domination as the final section of this chapter will illustrate in greater detail. Moreover, they risk obscuring other episodes of political violence, which fail to ‘appear’ as genocidal according to the preventionist code. Genocide prevention thus constitutes an important ethico-political question, yet a vexing terrain for the mobilization of new techniques of security and the governance of life.

Genocide scholars such as Cushman and Dirk Moses have already subjected preventionism to criticism along these lines. They leverage a number of arguments against preventionism by showing how it ignores the unwillingness of states to stop genocide when they do not see doing so as in their interest, highlighting the forms of

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<sup>345</sup> Harald Welzer, *Climate Wars: What People Will Kill for in the 21st Century* ([Cambridge]: Polity Press, 2012).

<sup>346</sup> By logistic I do not mean the development of an organizational platform labeled logistic, but rather a programmatic or paradigmatic relationship to the future that integrates both technical, semiotic, and ideational elements. The logistic operates as a way of organizing relationship to futurity materially and functionally. Logistic, in this sense, may be compared to an abstract machine.

moral superiority and narcissism that often accompany preventionist discourse, and detailing how the organizations that respond to genocide do so through cumbersome and occasionally compromised bureaucratic means.<sup>347</sup> These authors also point out that knowledge of the causes of genocide differ from the knowledge of how to prevent genocide and criticize the selective account genocide preventionist organizations frequently endorse.

However, preventionism remains a salient feature of the politics of genocide not just because of the mistaken convictions of preventionists, but as a result of the image of intent underlying the framework of ‘perpetrators and victims’ that preventionism draws upon. Intent plays a particular salient part in the account of these organizations as the lynchpin for successful preventionist efforts. For example, the non-governmental organization Genocide Watch adopts Kurt Jonassohn’s argument verbatim that “the emphasis on intent is important because it removes from consideration not only natural disasters but also those manmade disasters that took place without explicit planning. Many of the epidemics of communicable diseases that reached genocidal proportions, for example, were caused by unwitting human actions.”<sup>348</sup> Here, intent appears simply to differentiate the mission of Genocide Watch from the broader work of humanitarian organizations combatting disease, poverty, and malnutrition. Gregory Stanton, founder and head of Genocide Watch, places intent in a key role in his famous pieces on the ten stages of genocide.<sup>349</sup> Stanton clarifies that the purpose of his list of stages is to provide a

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<sup>347</sup> Cushman, “Is Genocide Preventable?”; Dirk Moses, “Why the Discipline of ‘Genocide Studies’ Has Trouble Explaining How Genocides End” (Social Science Research Council, December 22, 2006), <http://howgenocidesend.ssrc.org/Moses/>.

<sup>348</sup> Kurt Jonassohn, “What Is Genocide,” in *Genocide Watch*, ed. Helen Fein (New Haven, CT: Yale University Press, 1992).

<sup>349</sup> Gregory H Stanton, “The Ten Stages of Genocide: Classification, Symbolization, Discrimination, Dehumanization, Organization, Polarization, Preparation, Persecution, Extermination, Denial” (Genocide

framework with which to describe genocide that is “predictable but not inexorable. At each stage, preventative measures can stop it. The process is not linear. Logically, later stages must be preceded by earlier stages. But all stages continue to operate throughout the process.”<sup>350</sup> At each stage, the notion of intent orients the reader’s interpretation of the relationships between each subsequent stage and makes them into a site of political intervention. For example, Stanton writes: “because all people grow up and live in particular cultures, speaking particular languages, they identify some people as ‘us’ and others as ‘them’...’Us versus them’ can be converted by political elites *desiring* to gain or retain power into ideologies of purity, exclusion, and destruction. Regimes *bent* on genocide take great pains to classify their population.”<sup>351</sup> In this example, Stanton describes the creation of identity-based dichotomies as the first stage of genocide. Although he admits classification must become ‘dehumanization’ before the onset of the genocide, the system of classification is treated as problematic in and of itself despite his disclaimer that it is an inevitable feature of social life. Indeed, Stanton recommends preventing classification by “develop[ing] universalistic institutions that transcend ethnic or racial divisions, that actively promote understanding, and that promote classifications that transcend the divisions.”<sup>352</sup> In essence, Stanton counsels a preventative strategy that assists societies in the process of reducing the importance of classification despite its critical role in the production of identity. He ascribes power to ‘universalist institutions,’ presumably including Genocide Watch, which can reduce the likelihood of genocide

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Watch: The International Alliance to End Genocide, 2013), [http://users.kgcs.k12.va.us/blogit/lgarrett/files/2014/11/Ten\\_Stages\\_of\\_Genocide\\_by\\_Gregory\\_Stanton.pdf](http://users.kgcs.k12.va.us/blogit/lgarrett/files/2014/11/Ten_Stages_of_Genocide_by_Gregory_Stanton.pdf), accessed June 6, 2015.

<sup>350</sup> Ibid.

<sup>351</sup> Gregory H. Stanton, “Building an Anti-Genocide Regime” (Genocide Watch: The International Alliance to End Genocide), accessed June 6, 2015, [http://www.genocidewatch.org/images/AboutGen\\_BuildingAnAnti-GenocideRegime.pdf](http://www.genocidewatch.org/images/AboutGen_BuildingAnAnti-GenocideRegime.pdf).

<sup>352</sup> Ibid.



occurring. More importantly, Stanton's 'stages of genocide' places elites and political regimes in a particularly important role and treats their ideologies, beliefs and agendas as the source of genocide. For Stanton, genocide does not result from robust social antagonisms or political conditions, but rather the specific political motives of a small group of people. According to Stanton's argument, the political pressure exerted by international campaigns has a persuasive effect on tyrants and rogue leaders.

Unsurprisingly, Genocide Watch publishes reports identifying different 'accelerators' and 'triggers' for genocide, which highlight state capacities, institutional corruption, and leadership as well as weak democratic culture as the primary culprits in genocide.<sup>353</sup>

Genocide prevention consequently draws upon a regime of knowledge regarding what makes societies genocide prone in order to establish a series of interventionist responses.

In this way, Stanton turns genocide into a problem of undemocratic, hierarchical state institutions, which commit mass murder at the behest of tyrannical leaders. As such, prevention becomes a two pronged project involving: 1) education directed to cure societies of their tendencies toward antagonism and animosity and 2) explicit military intervention to prevent leaders from using "unchecked state power" to eliminate minority groups.<sup>354</sup> By treating genocide as a result of social animosities mixed with the 'trigger' of extremism, Stanton calls for a variety of techniques for inhibiting genocide prior to its occurrence.

At this point, the effort to prevent genocide starts to coincide with the preemption of genocide. By this I mean, genocide prevention not only seeks to isolate the cause of

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<sup>353</sup> Stanton's model of the 10 stages draws expressly from Barbara Harff's work on politicizes and genocides. Harff uses similar criteria for describing accelerators and focuses only on state-based agents. Gregory H Stanton, "The Ten Stages of Genocide."

<sup>354</sup> Gregory H. Stanton, "Building an Anti-Genocide Regime."

genocide in the face of a present form of danger, but to actively ward off the possibility of the emergence of genocide by engineering social, cultural, and political institutions to make them genocide-proof. Part of the success of the recent anti-genocide agenda is thus a product not only of the spectacular failure of international state intervention to stop genocide in the 1990s, but also the resonance between the preemption of genocide and a host of other new security agendas concerning terrorism, ecological disaster, epidemic spread, and state failure.<sup>355</sup> In the context of Genocide Watch, some of the techniques endorse include promoting hate speech bans, strengthening democratic and constitutional checks across the globe, seeking out ‘extremist terrorists’ potentially via military means, building multilateral coalitions for logistical and military support as well as establishing a standing force for genocide intervention at the UN. In many cases, the preventionist logic reinforces a form of biopolitical governance that acts as a steward for entire continents in the name of optimizing political life.<sup>356</sup>

While figures such as Moses and Cushman critique the limits of the preventionist paradigm they also understate how forceful it has become in international governance. Since the 2005 implementation of the R2P, the obligation to prevent genocide no longer resides solely with NGOs, but with a broader international community as affirmed by this new mandate. Certainly, the debate over the implications of the R2P with respect to state sovereignty is quite extensive.<sup>357</sup> Nonetheless, the R2P articulates a clear imperative to

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<sup>355</sup> On the rise of the emergency and the reduction of governance to an isomorphic form of intervention see Massumi, “National Enterprise Emergency Steps Toward an Ecology of Powers”; Brian Massumi, “Fear (The Spectrum Said),” *Positions: East Asia Cultures Critique* 13, no. 1 (2005): 31–48.

<sup>356</sup> Miguel De Larrinaga and Marc G. Doucet, “Sovereign Power and the Biopolitics of Human Security,” *Security Dialogue* 39, no. 5 (October 1, 2008): 517–37.

<sup>357</sup> Mahmood Mamdani, “Responsibility to Protect or Right to Punish?,” *Journal of Intervention and Statebuilding* 4, no. 1 (March 1, 2010): 53–67; Gareth Evans and Mohamed Sahnoun, “The Responsibility to Protect,” *Foreign Affairs*, December 2002, <http://www.foreignaffairs.com/articles/58437/gareth-evans-and-mohamed-sahnoun/the-responsibility-to-protect>.

respond to genocide preemptively and calls for the elaboration of a broader regime of early warning systems and preventative mechanisms to stop state failure and the spread of violence. Barring success, the R2P thus constitutes a call to govern what Giorgio Agamben calls the ‘bare life’ of populations abroad using a multitude of technologies of governance.<sup>358</sup> Although the R2P has been invoked in a limited number of cases in Mali, Libya, and Georgia, discussions spill over into a number of other contexts that have been linked to genocide.

While the R2P endorses the UNGC definition of genocide, it places this definition in a new context, one that bolsters and strengthens international legal authority in a way that mirrors the desires articulated by Stanton and other preventionists.<sup>359</sup> Moreover, while Stanton’s ‘stages of genocide’ admits the possibility of non-genocidal violence, the R2P treats genocide, crimes against humanity, war crimes, and other atrocities as interchangeable atrocities, which all call for greater international attention. Yet, the R2P report also reserves an interesting place for genocide in relation to the calls for preemptive political action:

In both the broad conditions we identifies-loss of life and ethnic cleansing- we have described the action in question as needing to be ‘large scale’ in order to justify military intervention ... What we do make clear, however, is that military action can be legitimate as an *anticipatory measure* in response to *clear evidence of likely large scale killing*. Without this possibility of anticipatory action, the international community would be placed in the *morally untenable* position of being *required* to wait *until genocide begins*, before being able to stop it.<sup>360</sup>

The report continues to argue that the conditions fostering genocide include both deliberate actions by state agents and the conditions of state failure that would permit

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<sup>358</sup> Larrinaga and Doucet, “Sovereign Power and the Biopolitics of Human Security.”

<sup>359</sup> On the development of the R2P authority see Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011).

<sup>360</sup> International Commission on Intervention and State Sovereignty, “The Responsibility to Protect,” 33, my emphasis.

large-scale loss of life.<sup>361</sup> In this way, the R2P makes the state itself the site of continual supervision and management in order to ensure proper care of the population takes place. The management of the population extends the conception of political sovereignty beyond the boundaries of the state in order to supervise the common life of humanity itself as a political subject. The discourse of genocide functions as a lynchpin in this expansion of sovereignty as the event that grounds the new application of international power. Thus, while R2P broadly comments on various forms of international crime it reserves preemptive intervention to genocide. As such, the R2P grounds the ‘right of intervention’ in the propensity for genocide to occur and supports determinations of this propensity by referring to a regime of knowledge that details the dangers of renegade states and state failure.<sup>362</sup> The concept of genocide, it seems, marks the point at which a new articulation of sovereignty comes into being as well as a development of a novel group of institutions, practices and procedures for enabling intervention on the basis of this sovereignty.

In this manner, genocide slowly justifies a form of apolitical, moralistic, anticipatory political governance. The problem with this framework of governance is not only that intent (and the normative understanding of genocide more broadly) limit the number of events that can be recognized as genocide, but that they also shape the technologies used for intervention. In particular, the turn to the rubric of preemption rearticulates the way threat is understood and interpreted.<sup>363</sup> Genocide consequently slowly moves from a question of law, where judicial and punitive power applies, to one of international security. Genocide risks ‘flowing across borders,’ supporting terrorism,

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<sup>361</sup> Ibid, 22-24.

<sup>362</sup> See Mamdani, “Responsibility to Protect or Right to Punish?”

<sup>363</sup> Massumi, “National Enterprise Emergency Steps Toward an Ecology of Powers.”

or contributing to global corruption, and poses an imminent risk of destabilizing regions of the globe. In this sense, the R2P and the anti-genocide regime work to stop genocide without recourse to juridical institutions by either destroying genocidists or working on desire *a priori* to inhibit the emergence of genocide. Part of this work on desire takes the form of strengthening international norms and thereby deterring states from committing genocide. However, the R2P also supports forms of preemptive security that actively police and regulate the political life in many states in the name of genocide prevention. Since the propensity for genocide alone justifies anticipatory action any evidence of intent, no matter how questionable or culturally encoded, provides ample evidence for international scrutiny and even military action. In this way, the R2P remaps political violence. Former ‘conflicts’ and ‘wars’ suddenly become ethnic conflicts verging on genocide at the centerpiece of international concern. The propensity for genocide thus supports the development of practices of state formation, the construction of regimes, and securitization that link together the threat of genocide with the creation of global security architecture. Indeed, the risk of genocide is qualitatively different from other risks in this regard because it amounts to not only the death of a few vulnerable individuals, but the death of a specific form of life enframed, as chapter two describes, by the biological livelihood of a small group of people. Unlike other security threats, securitizing genocide constitutes a control over not just the life of a group, but their mode of dying, a form of control that disallows the exposure of life to certain social practices considered pernicious. The specter of genocide, in fact, renders the life of subject groups always already disposable since they are, in a sense, already exposed to a violence that renders them invisible. While the shape of humanitarian violence in the future is ultimately

uncertain, the link between the threat of genocide, the need for preemptive security, and the institutionalization of a global framework for rapid intervention pave the way for wholly reengineering societies and, unfortunately, depoliticizing a variety of links between the production of a global security archipelago and the production of political violence in the first place.

The R2P is not the first document to note the new relationship to sovereignty at stake in the concept of genocide. For example, on September 4, 1998 the International Criminal Tribunal for Rwanda (ICTR) rendered its first judgment and found Jean Kambanda, former Prime Minister of Rwanda, guilty of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and crimes against humanity.<sup>364</sup> The ICTR's judgment, aided by Kambanda's guilty pleas, was hailed as good news for international genocide jurisprudence. In addition to offering a milestone judgment, the ICTR decision on Kambanda introduced a new rubric for conceptualizing genocide, one that is perhaps more famous or more widely known than Kambanda's name or his role in the Rwandan genocide. Indeed, in paragraph 16 of the judgment, the ICTR stated that "the Chamber is of the opinion that genocide constitutes *the crime of crimes*, which *must* be taken into account when deciding the sentence."<sup>365</sup> While Kambanda's crimes became a subject of infamy, the phrase associated with his judgment, 'the crime of crimes,' has also achieved a kind of fame as a trope or meme for discussing genocide in innumerable journalistic, scholarly, and jurisprudential contexts. The 'crime of crimes' has been the title of lectures, pamphlets, circulated in court

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<sup>364</sup> International Criminal Tribunal for Rwanda, *Prosecutor v. Kambanda* (1998), paragraph 40, my emphasis.

<sup>365</sup> Lemkin actually used this phrase in public lectures decades prior to the court decision, but the ICTR judgment brought the phrase back into world politics. *Ibid*, paragraph 16, my emphasis.

decisions, and remains the subtitle of one of the most exhaustive studies of genocide law.<sup>366</sup> But what does it mean for genocide to be the ‘crime of crimes?’

At first glance, there are a number of obvious answers to these questions. The phrase has a certain rhetorical and aesthetic power, a product of the redundancy of the word ‘crime,’ that allows it to express the *magnitude and singularity* of the crime of genocide. Genocide is not just any crime, but the worst of crimes, a crime so forceful, so significant that it defies categorization. The phrase could also imply that genocide constitutes the essence of crimes- the crime behind all other forms of crime. Alternately, the crime of crimes could designate the condition or template of crimes. Regardless of its specific meaning, the phrase has become a useful expression that easily marks the importance of genocide. Yet, the phrase also describes the special status of genocide vis-a-vis other crimes. The definite article ‘the’ implies that genocide alone constitutes this crime of crimes. The repetition of the word crime, once in singular and once in plural form, also highlights a hierarchical or vertical relationship between the two different iterations of crime. ‘The crime’ is more fundamental or important than ‘of crimes.’ What is interesting about this phrase is the way it highlights the exceptional status of genocide in relation to the world of crimes as if genocide were a form of sovereign crime, a crime that extends beyond the domain of other crimes. The relationship at stake in this phrase thus appears to concern the connection between the concept of genocide and sovereignty. As the crime of crimes, genocide both constitutes a matter of sovereignty because it supersedes all other forms of crime. As such, genocide constitutes a sovereign exception, which calls for greater political attention, but also legitimizes different emergency responses. What the phrase ‘crime of crimes’ discloses is the inscription of a paradoxical

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<sup>366</sup> See Schabas, *Genocide in International Law*.

form of sovereign power in the heart of the concept of genocide. Put differently, the concept of genocide plays both an inscriptive and ascriptive role in the extension of sovereignty.

The phrase ‘crime of crimes’ is also deeply connected with a kind of political theology. Indeed, the phrase reiterates the formal structure of the biblical phrase ‘king of kings,’ which marks the wonder of God vis-a-vis earthly kings in the Book of Daniel.<sup>367</sup> The relation to the phrase ‘king of kings’ underscores genocide’s relationship to sovereignty as a kind of secularized theological concept. Yet, the phrase ‘king of kings’ implies an immediately political as well as theological relationship. The notion of the ‘crime of crimes’ similarly inscribes genocide within a politico-theological relationship such that the extraordinary nature of genocide supplants all other forms of crime. Moreover, in this phrase, genocide appears almost as the obverse of sovereign power, as the crime so far beyond the scope of political sovereignty as to require a new set of relations. The paradoxical status of genocide as the crime of crimes thus closely corresponds to Giorgio Agamben’s reworking of sovereignty as a topological structure predicated on its own exclusion.<sup>368</sup> If genocide, as the crime of crimes, marks the outside of sovereignty, which is paradoxically within the grasp of sovereign power then it, by its very designation, would support the enumeration of a new regime of political sovereignty.

In this sense, the growth of the R2P is far from alone in promoting the notion that genocide constitutes a new terrain of political sovereignty. Instead, the R2P and the

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<sup>367</sup> I owe Jennifer Culbert an immense debt of gratitude for reminding me of the theological background to this phrase.

<sup>368</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 37.



broader anti-genocide regime reflect a variety of micropolitical efforts at resolving a paradoxical dimension of sovereignty expressed by the concept of genocide. In this context, genocide grounds a kind of supra-sovereign decision that legitimizes exceptional techniques of governance based in the preemptive protection of group life against the threat of its destruction. Yet, the form of sovereignty at stake here is also deeply theological and driven by an assumption of the unitary importance of genocide as a form of crime. As such, the form of sovereignty constructed by the R2P endows itself with an unprecedented degree of privilege in dispensing with existing political arrangements and conditions in order to prevent the occurrence of genocide. Moreover, it finds itself deeply hostile to other theological traditions or political aspirations, which do not share the same conceptual framework of politics. In this regard, the R2P, and the politics of genocide more generally, depoliticize both the determination of genocide and the unknown dangers of elaborating a new formation of global governance rooted in the control of a population's life or death.

#### Intent and Preemptive Governance

As part of their prevention efforts, Genocide Watch publishes an annual 'Countries at Risk' report. The report describes the current state of genocide ongoing in each state using Stanton's ten-stage scale. The report also notes a series of 'Genocide Alerts' including 'Genocide Watch,' 'Genocide Warning,' and 'Genocide Emergency.' The last of these categories is used to describe an ongoing genocide. The 2014 edition of the report includes states such as the DRC, Somalia, Afghanistan, North Korea, Syria,

and Burma in the later stages of genocide.<sup>369</sup> However, the report only includes Iraq, Somalia, the Central African Republic (CAR), Myanmar, and Nigeria under the category ‘Genocide Emergency.’ Of these states the example of Nigeria is particularly fascinating. Genocide Watch lists Nigeria as currently in stage nine or the extermination phase of genocide and assigns Nigeria the status of ‘Genocide Emergency’ because of the recent activities of Boko Haram.<sup>370</sup> As the report states, Boko Haram “is a genocidal criminal movement led by an Islamic extremist, Abubakar Shekau, who has vowed to destroy every Christian school in Nigeria, and to carry out terrorist attacks on Nigerian government police and government officials.”<sup>371</sup> Citing the widely popularized kidnapping of 200 girls from a school in 2014, the report continues that Boko Haram “killed an estimated 2,000 people in its jihad to expand its self-declared Islamic caliphate in northern Nigeria, an area with a heavy Muslim population.”<sup>372</sup> The report concludes that Boko Haram constitutes an immediate strategic threat to the broader Nigerian population.

Genocide Watch’s discussion of Boko Haram provides a telling example of the expansion of global governmentality in connection with the politics of genocide. In fact, Genocide Watch’s assessment of the virulence of Boko Haram contains little analysis of the historical, political, economic or social conditions that led to Boko Haram’s development nor does the report detail what acts make Boko Haram comparable with the other states in the ‘Countries at Risk’ report such as Syria or CAR where numerous sources have confirmed hundreds of thousands if not millions of casualties. A cursory

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<sup>369</sup> “Countries at Risk,” accessed June 3, 2015, <http://genocidewatch.net/alerts-2/new-alerts/>.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid.

engagement with the literature on Boko Haram illustrates that the constellation of poverty, colonial administration, and dispossession all fostered the development of the organization.<sup>373</sup> Moreover, Boko Haram also emerges in relation to calls for independence from colonial and state authority. Furthermore, Genocide Watch strangely categorizes Boko Haram as at the stage of ‘extermination’ (one of the highest stages of genocide) despite documenting only a single incidence of mass violence. The inclusion of Boko Haram on the ‘Countries at Risk’ report thus reflects a lack of engagement with historical circumstances in Nigeria and an overstatement of the casualties caused by the group. In addition, the report neglects to consider the legitimacy of Boko Haram’s ongoing conflict with Nigerian security forces, which involves disputes over terrain, law, and civil order.

The inclusion of Boko Haram in the ‘Countries at Risk’ report provides a good example of how the preventionist logistic operates. In particular, Boko Haram’s religious affiliation, stated objective of imposing Sharia law in Nigeria, and connection with other terrorist organizations such as Al Qaeda provides sufficient evidence of their nefarious intentions for Genocide Watch. Read in the context of Boko Haram’s religious virulence and political connections, the kidnapping of 200 girls and the sacking of a single city transforms into evidence of a greater threat of an unknown magnitude or danger. Put simply, Genocide Watch reads a *propensity* for genocide from Boko Haram’s expressed intentions. Genocide Watch embraces this reading of Boko Haram because of a set of cultural and political assumptions that frame how they interpret intent. Specifically,

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<sup>373</sup> For a good overview of this topic see Stuart Elden, “The Geopolitics of Boko Haram and Nigeria’s ‘war on Terror,’” *The Geographical Journal* 180, no. 4 (December 1, 2014): 414–25; “The Ongoing Campaign of Terror in Nigeria: Boko Haram versus the State,” *Stability: International Journal of Security & Development* 2, no. 3 (October 10, 2013): 52.; Abimbola Adesoji, “The Boko Haram Uprising and Islamic Revivalism in Nigeria,” *Africa Spectrum* 45, no. 2 (December 17, 2010): 95–108.

Genocide Watch links Boko Haram's political rhetoric with a dominant regime of knowledge about terrorism and religious power in order to justify treating Boko Haram as one of the most dangerous entities on the planet. As Mahmood Mamdani notes, declarations about the threatening nature of radical Islam work particularly well in conjunction with humanitarian ideology because they provide an enemy that resonates with the broader War on Terror.<sup>374</sup> Genocide Watch's decision to place Boko Haram in the report thus hinges on a set of implicit presuppositions about the nature of political and religious ideology. These presuppositions, in turn, justify political action. In this way, Genocide Watch's sense of the propensity for Boko Haram becomes an object of preemptive political governance.

Converting Boko Haram into a subject of genocide has significant political effects. For Genocide Watch, the decision prompts a shift in its campaign efforts to include calling for intervention in Nigeria by the US and international entities. Genocide Watch also coordinates with other groups and issues memorandum to the state department and other agencies. The organization likewise makes supportive statements on behalf of the Nigerian government and local humanitarian initiatives. Genocide Watch similarly bolsters advocacy networks, funds further reports early warning systems, and calls for military intervention. The preventionist logistic thus runs through a full-spectrum of political actions in order to inhibit the emergence or continuation of genocide.

However, Genocide Watch is just the tip of the iceberg and its decision to include Boko Haram on the 'Countries at Risk' report offers a single sample of a larger ensemble of statements about this context. As the chapter discussed earlier, the mission of anti-

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<sup>374</sup> Mamdani, *Saviors and Survivors*.

genocide NGOs resonates with the broader mandate of the R2P. Perhaps unsurprisingly, a number of calls have been made for UN intervention in Nigeria on the basis of the R2P's mandate.<sup>375</sup> In these publications, the language of genocide appears entwined with a broader nexus of concerns about state failure, terrorism, and civil war. In this way, genocide becomes imbricated with a larger set of political stakes all of which express a desire for anticipatory and preemptive governance. The notion of intent, which emerges in relation to culturally encoded ways of understanding social practice, thus supports the construction of a governance agenda without the occurrence of further episodes of mass violence. These calls affect the international climate in powerful ways because they grab attention, make action seem urgent and inaction morally calamitous, and shift geopolitical calculations. The humanitarian repercussions of Boko Haram have, for instance, incited the creation of reports on the best engagement strategy for US forces with or without assistance from the UN, AFRICOM, and other multilateral allies.<sup>376</sup> While these discussions certainly do not amount to outright intervention, they shift the political discussion about entities like Boko Haram in important ways and have unintended consequences on Western orientations toward Nigerian politics, Islamic social movements, and the recourse to violence in humanitarian situations. More fundamentally, the discussion reinforces the importance of securitizing the future against the possibility of genocide and, in doing so, shifts expectations about the legitimacy of political action.

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<sup>375</sup> Richard Norton-Taylor, "Boko Haram- a Suitable Case for UN-Approved Intervention," *The Guardian*, May 8, 2014, <http://www.theguardian.com/world/defence-and-security-blog/2014/may/08/nigeria-boko-haram-uk-un>; Michael Olufemi Sodipo, "The Case for Responsibility to Protect Principle in Nigeria," *Insight on Conflict*, July 21, 2014, <http://www.insightonconflict.org/2014/07/nigeria-responsibility-to-protect/>.

<sup>376</sup> Major Racine W.E. Robertson, "Pre-Emptive Threat Mitigation: Neutralizing the Boko Haram Threat to U.S. Interests" (Newport, RI: Naval War College, May 4, 2012).

Boko Haram is far from alone in this discussion. Genocide Watch also describes the rise of the anti-Balaka movement in the CAR in similar terms. In this case, Genocide Watch likewise focuses on religious identity as the chief indicator of the propensity for genocide while denigrating the significance of economic and political conditions or the legacy of colonial administration.<sup>377</sup> Only a few years before, Joseph Kony's Lord's Resistance Army similarly became an object of concern on the basis of genocide. In this context, Invisible Children's viral video 'Kony 2012' supplied a gruesome and enormously popular image of the Lord's Resistance Army as a genocidal machine while obscuring the complex political forces and colonial histories at work in Central Africa. Again, religious identity in connection with an image of extreme violence provided the immediate context for the interpretation of intent and bolstered calls for preemptive intervention. In both of these cases, appeals were made on the basis of the R2P for immediate and systematic intervention to eliminate the propensity for genocide. In general, this collection of examples points to the existence of a political anxiety for the eruption of genocidal violence in Africa. Concerns about genocide have the effect of generating a climate of moral panic where the possibility of genocide resonates with the need to streamline humanitarian governance. While few actual interventions have followed, the discussion ignores the role of global political governance in producing extant conflicts. It is also not surprising that in each context religious difference emerges as a key point of concern for genocide. While this certainly has to do with the legacy of the Nazi Genocide and its force on contemporary conceptions of genocide, it also reflects the broader theological auspices of the concept genocide and the way in which forms of religious otherness pose a threat to the cogency of a moral universe. The discourse on

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<sup>377</sup> "Countries at Risk."

genocide thus participates in a politico-theological legitimization of a state of exception with respects to entities like Boko Haram.

Put simply, genocide works as a trump card in this context. As the ultimate expression of crime, groups like Genocide Watch employ the term in order to construct a regime of knowledge about different parts of the globe. This knowledge, in turn, justifies apolitical engagement with the complex origins of mass violence. Yet, the deeper problem concerns the nature of the decision on genocide itself. When Genocide Watch adds Nigeria, CAR or Uganda to the 'Countries at Risk' list they participate in a novel exercise of biopolitical governmentality where the possibility of genocide legitimates the intervention and management of states, regions or continents. The possibility of genocide has a particularly forceful role to play in this process because, as 'the crime of crimes,' it immediately calls formal sovereignty into question. However, genocide also marks the possibility of a group's destruction or disappearance. This possibility, in turn, licenses unprecedented forms of governance because it effectively transforms entire groups into bare life or life devoid of political content, meaning or significance. Indeed, the startling fact about genocide discourse is that it marks a population as destroyed and, consequently, justifies any and all actions in order to save them short of massacre. Put differently, genocide grounds political governance in the fact of a group's imminent destruction and, in doing so, creates a foundation for the application of unprecedented international intervention. The effects of this development are, as of now, unknown since the discourse of genocide and the emergence of the new mandates for international sovereignty are still in the process of formation. What is most troubling, however, is the reflex to govern the life of a group from afar in the name of their life, a process that

reinscribes the worst elements of colonial authority into an allegedly benevolent process. While the consequences of this process are emergent and thus uncertain, this reinscription has clear costs because it predetermines the meaning and nature of political violence. While early intervention may reduce the likelihood of the outbreak of mass violence, it also anesthetizes problematic histories of political control. Poorly informed interventions, in turn, exacerbate antagonisms, exclusions, and resentment. As such, the preemptive governance called for by groups like Genocide Watch and underwritten by the normative understanding of genocide have a series of unintended and unforeseeable consequences while establishing the right to govern a group's collective future.

#### Threshold: The Whitaker Report

In 1985, Benjamin Whitaker gave the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities his decennial update on the prevention and punishment of genocide. The report made a number of recommendations with respect to the historical survey of genocide, suggestions for interpreting and improving the UNGC, and proposals for strengthening international law.<sup>378</sup> While the report was ultimately dismissed due to its inclusion of the Armenian Genocide in the historical survey, an inclusion hotly contested by the Turkish representative to the Human Rights Commission, the report also included a number of intriguing interpretive developments with respect to the UNGC. In particular, the Whitaker Report discussed the danger of excluding political and cultural groups from the Convention's protection. However, the report also described the emergence of several new forms genocide:

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<sup>378</sup> Whitaker, "Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide," 1-5.



Some members of the Sub-Commission have however proposed that the definition of genocide should be broadened to include cultural genocide or ‘ethnocide,’ and also ‘ecocide’: adverse alterations, often irreparable, to the environment –for example through nuclear explosions, chemical weapons, serious pollution and acid rain, or destruction of the rain forest- which threaten the existence of entire populations, whether deliberately or with criminal *negligence*. Indigenous groups are too often the silent victims of such actions ...Further consideration should be given to this question, including if there is no consensus, the possibility of formulating an optional protocol.<sup>379</sup>

This paragraph of the report is interesting for two reasons. First, the paragraph includes a set of groups (the environment, indigenous peoples, etc.) and a set of actions (nuclear explosions, pollution, etc.) historically absent from the UNGC. The inclusion of these groups and forms of destruction likely indicates that Whitaker and the other offices of the report were thinking of a novel set of historical circumstances and problems, which required a reformulation of the notion of genocide. In this sense, the Whitaker Report represents a break from the problematic limits of the normative understanding.<sup>380</sup>

Second, the paragraph includes is notable because it includes the language of ‘negligence.’ As this chapter discussed earlier, many genocide scholars have sought excluded negligence from any account of genocide because it undermines the notion of a perpetrating subject that authorizes and knows the consequences of its actions. To be negligent loosens the links between intent and conduct, thought and action, event and responsibility. Negligence enters into a hazier zone where lack of knowledge, unconscious malice, and various social conditions contribute to the abandonment of forms of life or disavow the violence they produce. Indeed, negligence might constitute the legal language that most closely approximates the form of thoughtlessness proper to the banality of evil. Negligence is also intriguing because of its appearance in association with new groups and forms of destruction. Indeed, it is almost as if the language of

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<sup>379</sup> Ibid, 17, my emphasis.

<sup>380</sup> Ibid, 16-29.

negligence appears at the precise moment when the Whitaker Report runs into the insufficiency of traditional notions of intent with respect to new modes and categories of destruction. The implicit argument of the report is that these too constitute forms of genocide, but thinking of them as intentional, volitional, and willful acts in the traditional sense renders the exercise meaningless.

What the Whitaker Report exposes is the circularity of the different parts of the concept of genocide, the way in which destruction, groups, and intent supplement and reinforce one another. Static group identity resonates with only specific forms of destruction, destruction takes shape with respect to particular constructions of causal agency and intention, intention finds support in certain forms of identity and so on. As the next chapter will describe, what intervenes to hold together this series of disparate parts, what makes the concept of genocide function, is the work of sense. More importantly, what the Whitaker report illustrates is the process of a new form of sense emerging and rearticulating the relationship between the different parts of the concept, of pointing to the gaps and anomalies in the normative understanding of genocide, and attaching the concept to new conditions and circumstances. The novelty of the Whitaker Report offers an insight into how the normative understanding suffocates the becoming of concepts and their capacity to problematize and politicize. This capacity, however, comes at a cost. Not only do new groups, modes of destruction, and forms of desire disappear from the field of political contestation, but the evolution of violence and destruction outpaces and eclipses the terms of the political. We literally lack the words for the contemporary condition because the normative understanding anchors them in a battle against the phantoms and monsters of the past.

## Chapter 5: The Politics of Sense

When Raphael Lemkin invented the concept of genocide he introduced a new term into contemporary political discourse. Lemkin hoped the word would render intelligible the destruction of minority groups as a political problem. His aspiration was for genocide to become an article of law that would deter future episodes of mass violence and he zealously pursued this agenda.<sup>381</sup> Toward the end of his life, Lemkin offered the following reflection on the power of the concept genocide: “new words are always created when a social phenomenon strikes at our conscience with great force...The growth of the phenomenon is the motivating force behind the creation of a new word. When people think about the new phenomenon, when they speak about it fervently, when they finally reach out for action in connection with this phenomenon, they feel they must have a name for it.”<sup>382</sup> This statement mirrors Lemkin’s ambitions for the politics of genocide and, to an extent, aptly describes the engagement with genocide in the status quo. However, the statement is also interesting because of the relationship it establishes between concepts, novel phenomenon, and political activity. In this brief passage, Lemkin assigns a priority to the emergence of new dynamics of social life, treats concepts as artifacts of thought that respond to this emergence, and views concepts as capable of inventing new modes of action. In short, Lemkin describes a dynamic genesis of a problem as it is received in thought and politics.

What Lemkin does not describe in this statement is how concepts acquire the capacities to describe the world anew or produce novel forms of political action. The previous three chapters provided part of the answer to this question as they illustrated the

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<sup>381</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*, 170-193.

<sup>382</sup> As quoted in Jacobs, *Lemkin on Genocide*, 21.

mechanics of the various components of the concept. Each chapter described the shifts in the discourse and assembly of these components of the concept in order to show the limits of what they could do in political discourse. This chapter, in contrast, engages another dimension of the question of how concepts acquire their force. If the previous three chapters looked to different parts of the concept then this chapter looks at the emergence of the concept in terms of what I, following Gilles Deleuze, call sense. Sense, the chapter contends, is the force that enters things into new relations to one another at a level prior to formal recognition. In this regard, sense is the pretext for grasping the novelty of an emergent phenomenon, the condition of possibility for the making of concepts, and the force that concepts draw upon in order to change political relations. Sense performs the work described in the Lemkin statement above. The basic claim of this chapter is that the creation of the concept of genocide responds to the sense of a new dynamic in politics, the emergence of novel destructive processes that materialize with the rise of biopolitics. This sense, as Deleuze's work shows, includes a multiplicity of potential futures with respect to mass violence. Furthermore, I argue this sense of genocide has a special relationship to horror as a genre of political experience. The power of the concept of genocide is thus not, as many liberal commentators assume, bound up with the enforcement of international law and justice, but, to the contrary, with the capacity to politicize a set of contemporary political conditions.<sup>383</sup> To do so, I contend the sense of genocide should be afforded degrees of freedom from the constraints of the normative understanding otherwise genocide may simply become one more crime to

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<sup>383</sup> Samantha Power provides the best example of the appeal for a broader international and national regime preventing genocide. My argument is not intended to suggest that genocide prevention isn't a laudible goal, but to question whether there are not other, more productive components to the notion of genocide. Power, *A Problem from Hell*, 503-514.

catalogue in the order of things. Put differently, the sense of genocide, unhinged from the normative understanding, offers new resources for creativity and affirmation within contemporary politics.

Lemkin's initial creation of the concept serves as the jumping off point to explore the politics of sense. His early writings and autobiographical reflections mark the phase prior to the invention of genocide where the different parts of the concept enter into relation with one another perhaps for the first time for him. The chapter thus begins by exploring how sense operates in Lemkin's writings. From there, the dissertation turns to the work of Gilles Deleuze to better explicate the genesis and powers of sense. When applied to the concept of genocide, I contend Deleuze's work discloses a formidable ability for concepts to transform political relations. In particular, genocide imparts a sense of horror at contemporary politics where the bonds and apparatuses that support life in a biopolitical age quickly and contingently convert into their thanatopolitical unmaking. The value of genocide consequently consists not only in naming a discrete set of episodes of mass violence, but in rendering intelligible an event that traverses many dimensions of political life. Deleuze's work helps to excavate how concepts reveal these forces in a multiplicity of times and places. Moreover, Deleuze provides important insights into how the sense-concept relation enables the production of new values, affects, and forms of political intervention. The chapter uses this analysis to call for a different approach to the study of genocide, which remains more open with respect to the forms, identities, and conditions considered part of the concept. Furthermore, the chapter engages the problem of nihilism as it appears in the politics of genocide. Indeed, as the chapter illustrates, the politics of genocide and the normative understanding participate in forms of passive

nihilism that often promote agendas of control, technocratic management, and blame. These reactive developments form from an encounter with the sense of horror linked to genocide and produce many troubling dynamics in global politics. Reprising sense is thus important to revitalize the politics of genocide. In this regard, the chapter concludes by offering three different scenes illustrating how an openness to sense might work to politicize emergent destructive processes.

### Lemkin's Sense

Raphael Lemkin began writing on the destruction of minority groups when he was a student in law school. According to his autobiography, the event that provoked his interest in the matter was the assassination of Talaat Pasha, former minister of the interior and prime minister of the Ottoman Empire, by Soghomon Tehlirian in Berlin in 1921.<sup>384</sup> Lemkin closely followed Tehlirian's trial in Germany because it posed the vexing question of how societies were going to punish a person for a crime when their actions were motivated by untold tragedy and loss of life. In Tehlirian's case, the trial ultimately led to an acquittal on the basis of 'psychological compulsion,' but the case stayed with Lemkin. In his reflections on this time in his life, Lemkin wrote, "at the moment, my worries about the murder of the innocent became more meaningful to me. I didn't know all the answers but I felt that a law against this type of racial or religious murder must be adopted by the world."<sup>385</sup> This marks the first moment in Lemkin's recollections where the issues of the destruction of minority groups formally became a problem for him. It is striking that Lemkin describes the issue as becoming meaningful, as poorly formulated in

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<sup>384</sup> Lemkin, *Totally Unofficial*, 19-20.

<sup>385</sup> Ibid, 20.

its initial stages and, above all, driven by a feeling or, put differently, a sense. It is also notable that Lemkin formulates his quest for a law banning this practice as an attempt to produce justice and right. Lemkin wrote of a need for law to stop man from “appoint[ing] himself to mete out justice. Will not passion sway such a form of justice and make a travesty of it?”<sup>386</sup> Lemkin’s autobiography further reveals that he engaged his professors at law school about the question of minority rights only to be met with dismissive responses about sovereignty and legitimacy.

Lemkin later described returning to the question of the destruction of minorities in 1926 with the trial of Shalom Schwarzbard. Schwarzbard was a Jewish tailor who had killed Symon Petliura, the former Ukrainian minister of war, in France. Petliura was generally thought to be responsible for a number of massacres and pogroms targeting Ukrainian Jews. Just like the Tehlirian case, Schwarzbard’s trial placed the court in what Lemkin called a “moral dilemma... They could neither acquit Schwarzbard nor condemn him.”<sup>387</sup> Also like Tehlirian, Schwarzbard was ultimately acquitted on the grounds of mental health. However, Lemkin, now finished with law school and beginning his own legal practice, defended Schwarzbard’s act as a ‘beautiful crime’ and later penned a piece condemning society’s immoral failure to stop the destruction of minority groups.<sup>388</sup> Following these events, Lemkin’s autobiography discusses his resolve to fix the problem of the destruction of minorities by working through his new position as deputy prosecutor in Warsaw. In this position, Lemkin entered into communication with lawyers, law professors, and politicians throughout Europe and these connections eventually resulted

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<sup>386</sup> Ibid, 20.

<sup>387</sup> Ibid, 21.

<sup>388</sup> Ibid, 22.

in his first paper on crimes of barbarity and vandalism at the Madrid conference in 1933, which, in turn, led to the creation of the concept genocide.

The trials of Tehlirian and Schwarzbard were not Lemkin's first exposure to legal dynamics or political violence. His childhood growing up in Russia and Poland was marked by a virulent experience of anti-Semitism. During this time, Lemkin also recounted loving history and being disturbed at an early age with the spectacular violence of ancient regimes and empires. In addition, the more recent history of the destruction of the Armenians stood out to him because, as he put it, "more than 1.2 million Armenians were put to death for no reason other than that they were Christians."<sup>389</sup> The parallels of these events with Lemkin's experience with the pogroms marks much of his early autobiography and subsequent understanding of violence. In addition, Lemkin was keenly aware of the significance of legal trials (and law more generally) as interlaced with social anxieties, desires, and political power. Early in his autobiography, for instance, Lemkin described the acute public anxieties associated with the trial of a Jewish man falsely accused of killing a Christian child. In this case, Lemkin developed a sense that "the lives of millions of people depended on the vote of the jury. The axes, hammers, and guns were already prepared while the jury deliberated. I could not see how a situation of this kind could be bearable for long."<sup>390</sup> These details contextualize Lemkin's interest in the destruction of minority life and the power of law by showing his early exposure to violence and legal power, events that would shape Lemkin's ultimate vision of genocide.

The significance of these recollections consists less in the historical details they reveal about Lemkin's life and more the set of issues at work in the background when he

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<sup>389</sup> Ibid, 19.

<sup>390</sup> Ibid, 19.



invented the concept of genocide. Indeed, one of the problems with autobiographical accounts is that they invariably constitute a particular take on the past, which can be edited, revised or unwittingly altered from the vantage of the present. In this respect, Lemkin's discussion of his childhood and time as a student offers only a selected interpretation of the set of issues that led him to create the notion of genocide.<sup>391</sup> Nonetheless, these writings offer the best evidence of this early period in his thought since the majority of his other writings were lost in his flight from Poland. What is at important about these reflections is the way they describe or frame the problem that would ultimately become genocide as well as Lemkin's incitements to speak about this issue. In this regard, Lemkin makes an interesting note that in both Tehlirian and Schwarzbard cases the destruction of the Armenians and Ukrainian Jews were widely known to the public in both Germany and France. The respective killings of Pasha and Petliura thus produced a political problem because everybody was aware that the murders were motivated by more than simple revenge. For Lemkin, this knowledge meant that law could not function in the normal fashion because punishing Tehlirian and Schwarzbard would be obscene given their experiences. The courts solved this problem by using mental health as a rubric to excuse the actions of both men. Yet, Lemkin also saw another, deeper problem at stake in these trials. In his reading, what the trials revealed was that the law itself was vulnerable, fragile and predicated on a contradiction. In Lemkin's thinking, this contradiction developed because the men who assassinated Pasha and Petliura could be tried for the murder of a single individual, but Pasha and Petliura, who killed or were responsible for the death of millions, could not be held

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<sup>391</sup> John Cooper contends that Lemkin at times retrospectively overstates his investment in pursuing the problem of genocide between 1929 and 1941. Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*, 19-25.

accountable by any court.<sup>392</sup> The excesses of revenge were, in a way, the only method available for pursuing justice and this method was, for Lemkin, a scandal for any system of law.<sup>393</sup> Put differently, what Lemkin discovered was a gap or lacuna within the existing legal order. This gap permitted, in his reading, the murder of minorities in a way that violated the unwritten order of law. These murders were implicitly sanctioned by the dominant legal regime, but, at the same time, antithetical to its most basic presuppositions. If law considered it a moral blight when one person was murdered then how could the murder of an entire group, an action that surpassed the murder of an individual in many ways, exist beyond legal condemnation? This question, which is implicit in Lemkin's text, highlights a disjuncture written into the legal order. It also touches upon each of the different parts of the concept genocide as it draws together groups as significant political entities, acts of destruction as a new kind of problem, and the question of responsibility and accountability for these events. It is important to note that this dilemma only develops into a problem at a specific historical moment because of a constellation of forces of violence, warfare, racism, and, more broadly, novel efforts to target whole populations for destruction. While Lemkin's exposure to these events was primarily limited to anti-Semitism and history books, he touches upon a much deeper process as is evident in his condemnation of colonial occupation by Germany and Belgium or the Spanish conquest of the Americas. These processes of destruction had historical precedent, but, for Lemkin, were also suddenly the priority of states and nations everywhere.<sup>394</sup>

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<sup>392</sup> Lemkin, *Totally Unofficial*, 22.

<sup>393</sup> Ibid, 23.

<sup>394</sup> Jacobs, *Lemkin on Genocide*, 148-185.

Nonetheless, what incites Lemkin to speak about the problem is the sudden realization that these problems produce a disjuncture within the law. The trials of Tehlirian and Schwarzbard provide the immediate context for this realization. In the trials, Lemkin felt it was almost as if the wrong defendants were standing in the dock or as if the law had been inverted in its most basic structures.<sup>395</sup> The background of emergent forms of group destruction, the insufficiency of law, and the investment of social desire thus congealed to form a shock to Lemkin's thought. Put differently, the trials constituted an aleatory moment that brought together a series of things together for Lemkin including the limits of law, the dynamic destruction of minority groups, and the legitimization of inaction. These different phenomena suddenly began to resonate for him as a problem that was poorly conceptualized within existing political discourse. From his first inkling of the connection between destruction, groups, and intent, Lemkin took nearly two decades to produce the notion of genocide and, on the way, passed through numerous iterations of the problem. I argue that Lemkin's first comments on these trials disclose the emergence of a new form of sense and that it is this sense, which ultimately produces the concept genocide. By this I mean Lemkin's comments reveal as intelligible a new problem for politics and, moreover, that this revelation occurs as a product of the appearance of a gap in the legal order. This gap constitutes a kind of nonsense within the law where the different imperatives of law and morality become paradoxical, disorganized, and counterintuitive. This gap makes clear the insufficiency of traditional registers of sense because the law's power to govern murder fails to extend to the murder of groups. In Lemkin's writings, the invention of the concept of genocide thus responds to this problem by suturing the law and eliminating its inconsistency or nonsense. The

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<sup>395</sup> Lemkin, *Totally Unofficial*, 23.

occasion for this realization was the trials of Pasha and Petliura's assassins. Trials where the defendants were, in a way, out of place and law's capacity to render judgment on the atrocities against Jews and Armenians nonexistent.

The force of this newfound sense is evident in Lemkin's comments about the general awareness of the crimes of Pasha and Petliura and the fact that they illustrated the existence of a problem regarding the status of minority life. Lemkin's own exposure to the dynamics of the pogroms also unquestionably attuned him to this sensibility since he was confronted with the propensity for and hazards of mass violence. More importantly, however, the trials serve as an assemblage that joins disparate political elements and sets them into new relations with one another. These contingent moments, for Lemkin, marked the point of his realization of an event, which rippled through law, politics, and social relations at the deepest levels. Of course, the things assembling this event included numerous forces operating in the background such as legal procedures, social and cultural categories, newspapers, implicit forms of racism, Lemkin's neurotic personality, and the explosion of processes of mass destruction to name just a few. Out of this swirling group of elements, Lemkin discerned the intelligibility of a disjuncture in the system of law and this germinal awareness, repeatedly marked out by Lemkin in his writings, was the incitement for the creation of genocide. At the center of the trials was, to put it differently, the nonsense of the laws governing what Lemkin would later describe as 'the rights of existence.' For, above all else, the trials posed the problem of how the law could ban the murder of an individual while licensing the destruction of entire groups. The problem of genocide, consequently, stretches between these two aspects, law and destructive events, to grasp a sense of something novel becoming intelligible for the first

time. This sense prompts Lemkin to create the concept of genocide in order to think the emergence of destructive processes as an event. It is this relationship between events, sense, concept, and politics, which has been largely lost in the search for a normative understanding of genocide. In this next section, I revisit the relationship between sense and politics by turning to the work of Gilles Deleuze.

### The Logic of Sense

Before turning directly to Deleuze's theory of sense, it is important to consider how 'sense' is traditionally understood in everyday vocabulary in order to clarify the value of thinking about politics in terms of sense. When we typically use the word 'sense' we refer to a specific faculty such as a sight, smell, or taste in order to describe how a body perceives a given stimulus. On other occasions, 'sense' refers to a vague awareness that something is the case, a kind of intuitive judgment of how something should be prior to external validation or confirmation. We also say that things 'make sense' when we find something in agreement with our faculties or our logic. In these cases, 'sense' expresses both the work of our faculties and the coherence or meaning of our ideas and perceptions. However, sense also implies a direction, movement or trajectory.<sup>396</sup> The 'sense' of the river is the direction that it flows. Contemporary invocations of 'sense' combine the impression of trajectory (I sense a storm is coming), meaning (that makes sense), and perception (I sense cold). These different aspects of sense are crucial to the formation of value, but in a way that we rarely think about. To use a simple example, before you get into a pool, shower, or bath you probably test the temperature of the water with a finger

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<sup>396</sup> James Williams, *Gilles Deleuze's Logic of Sense: A Critical Introduction and Guide* (Edinburgh: Edinburgh University Press, 2008), 3.

or toe. The sense of the intensive difference will dictate the value of getting into the water at this or that moment. Too hot or too cold makes all the difference. Moreover, you can express that difference to another person in exactly those terms. ‘Give me a minute. Its too cold.’ The entire process entails several interactive assemblages. Your bodily contact with the flow of water, nerve signals, habits of bathing and skin sensitivity, the compression of air against your larynx and teeth to forge phonetic entities, the transition of these phonetic entities from audible noise into syntax and semantic meaning by your brain, and the corresponding response on the part of your interlocutor. In Deleuze’s thought, the work of sense occupies multiple parts of this assemblage and the virtue of his theory consists in showing how sense is not reducible either to the proposition (its too cold), nor the phenomenology of perception (coldness), nor simply intensive difference (temperature), but an independent abstract, yet real entity that links these different dimensions together. In fact, according to Deleuze, when we say ‘we make sense’ we usually invoke only the most stratified meaning of the word<sup>397</sup>. In Deleuze’s thought, sense functions as an incorporeal, but nonetheless real entity that inhabits language, art, and expression, but affects the world around us. Deleuze’s work thus helps to unpack the powers of sense at work in the politics of genocide. It also shows how sense exceeds the propositions made about genocide by the normative understanding.

Indeed, Deleuze’s insistence on the independence of sense is where his work diverges from most orthodox accounts of sense that tend to treat it as a byproduct of intersubjective communication practices.<sup>398</sup> According to these theories, sense develops

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<sup>397</sup> Deleuze, *The Logic of Sense*, 116.

<sup>398</sup> The literature on sense and language is quite vast. A small sample of texts that invoke sense in this way include Thomas Risse, “‘Let’s Argue!’: Communicative Action in World Politics,” *International Organization* 54, no. 01 (December 2000): 1–39; Dennis K. Mumby, “Ideology & the Social Construction

from relays of signification that slowly mold into a consensus on the meaning, significance, and proper use of words in relation to occurrences. For these theories, sense grows from relatively constant way of both perceiving and speaking that derive from an underlying commonality in human experience. According to this model, the function of sense is to sanction the creation of formal rules, communicative practices, or speech situations that determine when and how statements and observations become meaningful.<sup>399</sup> By making sense internal to human discourse, Deleuze contends that these theories think the condition on the basis of the conditioned.<sup>400</sup> By this Deleuze means that these theories start from a consensus on the function of sense in empirical observation and seek out transcendental conditions of sense that resemble their empirical results. Unsurprisingly, such theories promote the notion of a universal language and experience. For Deleuze, these theories also create a tautological structure where sense originates in language and yet language has to appeal to sense to make meaning. This form of circular logic works only from a highly privileged notion of Western subjectivity, which predetermines what constitutes the sensible as an artifact of power.<sup>401</sup> One of the benefits of Deleuze's work, in contrast, is its emphasis on sense as a multiplicity. Sense always heads in multiple directions, eludes present meaning, and contributes to the birth of novelty. There is, consequently, no common sense or good sense that does not, according to Deleuze, bracket a multiplicity of senses. However, unpacking Deleuze's account of sense is a complex project. Unlike *Difference and Repetition* or *A Thousand Plateaus*,

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of Meaning: A Communication Perspective," *Communication Quarterly* 37, no. 4 (September 1, 1989): 291–304; Noam Chomsky, *Knowledge of Language: Its Nature, Origin, and Use* (Greenwood Publishing Group, 1986).

<sup>399</sup> See for example Jürgen Habermas, "Towards a Theory of Communicative Competence," *Inquiry* 13, no. 1–4 (January 1, 1970): 360–75.

<sup>400</sup> Deleuze, *The Logic of Sense*, 68.

<sup>401</sup> *Ibid.*, 175.

texts that have numerous interlocutors, there are only two sustained engagements with the *Logic of Sense*, one by Sean Bowden and the other by James Williams.<sup>402</sup> Bowden and Williams provide valuable insights as they sift through the motley combination of Platonic idealism, Stoic ethics, linguistics, psychoanalytic theory, thermodynamics, Antonin Artaud, poetics, topology, and Lewis Carroll that constructs the *Logic of Sense*. For my purposes, I briefly develop several key themes in Deleuze's writings on sense in order to draw crucial insights about the politics of genocide. My reading is thus abbreviated in relation to Bowden and Williams more expansive works, but each interlocutor informs my reading in subtle ways.

Deleuze begins his project on sense by noting the division in Platonic philosophy between ideas as pure forms and ideas as "a pure becoming without measure, a veritable becoming-mad, which never rests. It moves in both directions at once. It always eludes the present, causing future and past, more and less, too much and not enough to coincide in the simultaneity of a rebellious matter."<sup>403</sup> The basic conceit of the Platonic tradition, Deleuze contends, has been a preference for the clarity of eternal forms against the mad, scattered, unhinged, intermingled, and rebellious ideas of becoming. To explore the world of mad becomings, Deleuze turns to the Stoics. According to Deleuze, Stoic thought recreates the Platonic division between the two kinds of ideas with a twist. In particular, Stoic philosophy divides ideas into a series of causes, the actions and passions of bodies on one another, which Deleuze refers to as a state of affairs, and a second set of purely incorporeal effects. For the Stoics, causal ideas concern the capacity for bodies to affect and be affected. This interaction has a determinable, but ideal form. In contrast, the

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<sup>402</sup> Sean Bowden, *The Priority of Events: Deleuze's Logic of Sense*, 1 edition (Edinburgh: Edinburgh University Press, 2011); Williams, *Gilles Deleuze's Logic of Sense*.

<sup>403</sup> Deleuze, *The Logic of Sense*, 1-2.



Stoics treat the second set of ideas as incorporeal attributes of bodies in interaction. However, what the Stoics add, according to Deleuze, is a special capacity for the incorporeal idea or effect to run away from the determinate interaction of bodies.<sup>404</sup> For, Deleuze argues, the incorporeal is not simply an effect of bodily interaction, but marks an event that traverses bodily interactions without having concrete presence within them. This event, in Deleuze's reading, emerges from the interaction of bodies and establishes what he calls 'quasi-causal' relations with them. As Deleuze puts it: "it is as if events enjoyed an irreality which is communicated through language to the *savoir* and to persons. For personal uncertainty is not a doubt foreign to what is happening, but rather an objective structure of the event itself, insofar as it moves in two directions at once, and insofar as it fragments the subject following this double direction."<sup>405</sup>

To clarify his argument, Deleuze gives the example of an event like a battle. We typically think of battles as occurring on this or that day. In doing so, we embrace a kind of fiction because the battle is actually an incorporeal event that traverses the intermingling of bodies, the combination of human flesh, metals, guns, screams and so on. The event emerges through the interactions of these different bodies, but, at the same time, cannot properly be said to reside in any single relation or cause. The battle is simultaneously an effect of all of these causes and something that exerts downscale affects on the bodies. It is an abstract thing that does not register with our traditional way of thinking about occurrences.<sup>406</sup> Deleuze pushes Stoic thought at this point by arguing that language has a distinctive though not exclusive capacity to express these incorporeal

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<sup>404</sup> Ibid, 42-43.

<sup>405</sup> Ibid, 3, emphasis in the original.

<sup>406</sup> Jay Lampert, *Deleuze and Guattari's Philosophy of History* (New York, NY: Bloomsbury Academic, 2006), 5-12.

events. Put simply, we can talk about ‘battle’ in a way that captures a set of relationships that would otherwise be lost. In particular, Deleuze claims that verbs in their infinitive form render the becoming of this event expressible.<sup>407</sup> Verbs like ‘to write,’ ‘to grow,’ and ‘to battle’ provide a glimpse of the power of an event irrespective of the specific state of affairs in which it takes place. Thus, according to Deleuze, Stoic thought discovers a power of language to render an event intelligible.

Deleuze adds another dimension to the Stoic account of the incorporeal by claiming that this capacity to describe the event constitutes a form of sense. As a mechanism for registering the event, Deleuze maintains that sense runs in ‘two directions at once.’ By this Deleuze means that sense, unlike Platonic ideas, privileges the potentiality for things to occur in a multiplicity of ways. Language actualizes this capacity when it touches upon becoming. Deleuze remarks, for example, that the Lewis Carroll phrase ‘Alice becomes larger’ implies two relations: Alice is larger than she once was and smaller than she will become.<sup>408</sup> In this expression, Alice is simultaneously ‘becoming’ in two directions at once. Sense, as the dimension of language that expresses this process, marks ‘to become’ as a set of relations that exceed and elude the present status of Alice and disclose Alice’s potentiality to transform in both ways at once. In marking the event, language touches on the differential power of becoming.

To support this claim, Deleuze poses the question how does language work? In brief, he answers this question by splitting language into three different dimensions, which he calls denotation, manifestation, and signification. Denotation refers to

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<sup>407</sup> Deleuze, *The Logic of Sense*, 31-32.

<sup>408</sup> Ibid, 2.

language's ability to indicate or reference things in the world.<sup>409</sup> Deleuze argues denotation is subject to determinations of truth or falsity. The table is red not blue. Manifestation, in contrast, refers to the subject of speech or language as well as their set of beliefs or desires.<sup>410</sup> Manifestation is the fictional 'I' of language who endorses this or that proposition. I think (believe) the table is red. Unlike denotation, manifestation points to the presupposition of truth or falsity or the vantage point from which one makes a statement. Signification refers to language's capacity to implicate by referring to general concepts such as self, world, or God.<sup>411</sup> Signification facilitates the making of a meaningful proposition by linking a series of denotations and manifestations to another set of propositions. The table is red therefore! However, signification, unlike denotation and manifestation, appears to supply the conditions for the determination of a true statement.

The problem, for Deleuze, is that these dimensions of language produce a circular structure. Manifestation, for instance, draws upon a subjective 'I,' but that 'I' is always already a reference to a general concept or signification of the 'I.' Signification thus seems to be 'behind' manifestation. However, signification is only possible on the condition that each separate denotation or reference is true. Drawing an implication from one proposition to apply to another thus hinges on a further denotation that our prior proposition is true. You can see the evidence of this process in philosophical formulas that indefinitely refer to specific denotations to mark signification:

if...then...if...then...if...then...ultimately. Denotation, in turn, relies on a particular position or manifestation for explicating when and how a reference occurs. Each different

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<sup>409</sup> Ibid, 13.

<sup>410</sup> Ibid, 13.

<sup>411</sup> Ibid, 14.

component of language consequently presupposes the other such that no linguistic statement seems to ground or substantiate the other. Moreover, language runs into particular paradoxes such as the Russell paradox or the paradox of the Barber of Seville where a series of propositions produce denotations, manifestations, and significations that lead to paradoxical results, which can be neither true nor false.<sup>412</sup> A similar problem occurs in the case of the Liar's paradox. Consider the statement: "I am lying." The phrase has the paradoxical status of being false only on the condition of its truth and true only on the condition of its falsity. According to Deleuze, these paradoxes disclose the tautological character of a theory of language based on denotation, manifestation, and signification.<sup>413</sup>

To solve this problem, Deleuze argues for a fourth dimension of the propositions or language. This dimension Deleuze says "ought to have *something unconditioned* capable of assuring a real genesis of denotation and of the other dimensions of the proposition."<sup>414</sup> Deleuze calls this fourth dimension of the proposition 'sense.' To quote at length, Deleuze claims that sense is "*the expressed of the proposition*, is an incorporeal, complex, and irreducible entity, at the surface of things, a pure event which inheres or subsists in the proposition...[sense] merges neither with the proposition or with the terms of the proposition, nor with the object or with the state of affairs which the proposition denotes, neither with the 'lived,' or representation or the mental activity of the person who expresses herself in the proposition, nor with concepts or even signified essences?"<sup>415</sup> For Deleuze, sense constitutes the dimension of a proposition that remains

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<sup>412</sup> Ibid, 69-85.

<sup>413</sup> Ibid, 69.

<sup>414</sup> Ibid, 18, my emphasis.

<sup>415</sup> Ibid, 19, emphasis in the original.

irreducible to a state of affairs, personal belief, or a specific term, but facilitates the operation of the other dimensions of language. To explain this process, Deleuze draws upon the Stoic theory of the idea to argue that sense exists as a paradoxical, ideal, but real entity capable of coordinating the interaction of the different components of a proposition. Thus, Deleuze remarks on the complex or paradoxical dimensions of sense: it does not exist except in the propositions that express it, but nonetheless remains distinct from the proposition; it is a product of the state of affairs rather than a proposition, but has no existence outside of language; it expresses an event denoted by a proposition, but without qualifying this as an essential part of a thing or process. As may be clear by the description, Deleuze's move here is to take the Stoic theory of the idea and effect and blend it with a material explanation for the genesis of semantic content. As Deleuze states sense "is exactly the boundary between propositions and things...it is in this sense that is an 'event': *on the condition that the event is not confused with its spatio-temporal realization in a state of affairs*. We will not ask therefore what is the sense of the event: the event is sense itself."<sup>416</sup> In this way, sense stretches the proposition from collection of linguistic components into connection with a poetic world.

As a result of its independence, Deleuze describes sense as 'neutral' with respect to the actions or passions that give rise to it.<sup>417</sup> For example, the sense of 'to grow' remains indifferent to the objects (trees, bodies, maturity) or actions (cell division, lengthening, etc.) that befall it. Deleuze consequently describes sense as "strictly the same for propositions which are opposed from the point of view of quality, quantity,

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<sup>416</sup> Ibid, 22, emphasis in the original.

<sup>417</sup> Ibid, 100-102.

relation or modality.”<sup>418</sup> Here, Deleuze’s point is that a series of statements emerge within the same structure of sense. The phrases: ‘you are a liar,’ ‘you are not a liar,’ ‘you will be a liar,’ ‘you could be a liar,’ ‘you are a bad liar,’ all shift different denotative, manifested, and signified aspects of a statement, adjust slightly its semantic content, and may refer to any or all potential bodies or states of affairs, however, they are all spoken in the same sense, ‘to lie,’ that becomes in multiple directions. In this way, sense facilitates the expression of distinct sentiments that resonate and converge in spite of their difference. By making this claim, Deleuze sets up the argument that sense harbors a special relationship to absurdity because the neutrality of sense with respect to affirmation and negation enables the formation of paradoxical entities. The oft-cited ‘square circle,’ for example, is an absurd object that nonetheless has a sense. While such objects violate the rules of denotation, manifestation, and signification, they nonetheless exist as sensible entities. Similarly, the problems posed by the Russell paradox or the Liar’s Paradox, which force traditional accounts of language into contradiction, pose no problem for sense because it has the capacity to affirm paradoxical, bidirectional, and absurd possibilities. Sense is a domain of language that is, strictly speaking, beyond the true/false division and capable of greater degrees of power than rigid, rule-based accounts of language. Deleuze will remark that writers like Carroll put these capacities to work in crafting worlds inconceivable within the rubrics of normative language.

What enables sense to express the existence of paradoxical entities is its structure. With respect to this point, Deleuze argues that we typically think of language as a homogenous or closed system. However, even the most bare bones account of language

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<sup>418</sup> Ibid, 32.

includes, at a minimum, two different, the signifier and the signified.<sup>419</sup> Allegedly homogenous language is thus always already multiserial and emerges from a set of differential relations between phonemes and grammemes. Following the psychoanalyst Jacques Lacan, Deleuze argues that a “paradoxical entity” places the different series of language in communication with one another in spite of their difference.<sup>420</sup> The ‘paradoxical entity’ moves through both series, but belongs to neither and in one is a “mobile *empty place*” while in the other “an *occupant without a place*.”<sup>421</sup> Sense emerges as a byproduct of the series of the connections formed by the paradoxical entity.<sup>422</sup> But what is the paradoxical element? Deleuze is claims that the paradoxical entity, which he will at different times refer to as a ‘differentiator,’ a ‘quasi-causal operator,’ or an ‘aleatory point’ is actually a bit of nonsense. In fact, Deleuze maintains that nonsense is *not opposed* to sense since nonsense itself has a determinate sense. Rather, nonsense *donates or produces* sense. Deleuze again uses Carroll as his example to show how the different applications of nonsense create sense-formations. As he puts it “sense is actually *produced* by this circulation...sense is always an *effect*.”<sup>423</sup> Nonsense is the thing that gives form to structure and, in Deleuze’s words, donates sense by rendering possible the convergence or connection of divergent series. Esoteric and portmanteaus do a particularly good job of highlighting this process. ‘Snark,’ to take Carroll’s term, brings divergent series together into an adjective/beast that makes no sense, but nonetheless enables the donation of sense.<sup>424</sup> Snark emerges from the differential relationship

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<sup>419</sup> The series N1->N2, for instance, already consists of a multiplicity of terms.

<sup>420</sup> Deleuze, *The Logic of Sense*, 40.

<sup>421</sup> Ibid, 41, emphasis in the original.

<sup>422</sup> Other places in Deleuze’s work this term takes different names: ‘dark precursor,’ ‘abstract machine,’ ‘conceptual personae’ that traverse series and link them through difference rather than identity.

<sup>423</sup> Ibid, 70, my emphasis.

<sup>424</sup> Ibid, 26.

between numerous other linguistic elements such as ‘snake’ and ‘shark,’ ‘sneer’ and ‘stark’ and so on.<sup>425</sup> Snark express sense, but is, strictly speaking, an articulation of nonsense. Snark also speaks of an event or a becoming that cannot be located in either a state of affairs (the set of phonemes or audible tones a person might be uttering) or in the proposition (as a definite denotation, manifestation, or signifier), yet ‘to snark’ marks a novel attitude or disposition. The portmanteau snark, thus, provides a glimpse of how nonsense donates sense through the joining of disparate series. While the paradoxical element is not visible per se, snark constitutes a nonsense word that shows the production of sense.<sup>426</sup>

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<sup>425</sup> The importance of the logic of sense for the formation of portmanteau words concerns the folding together of ramified series, which will be crucial as the next section explains to understanding how sense functions in the politics of the portmanteau ‘genocide.’

<sup>426</sup> Deleuze further theorizes the emergence of language from the work of sense. To examine this issue Deleuze engages the literature on a child’s development of language. His critical insight is that we have the sense of language prior to actually developing the capacity to participate in language. What does this mean? Concretely, the world of an infant is, as Deleuze and Guattari argue, one of being composed of ‘part-objects’ or machines: an anus, a mouth, skin, eyes, toes, which are immersed in an unmediated field of intensities and sensations. Sound, which forms a precursor to language in most cases, occurs as a chaotic jumble of pure phonetic elements. These elements are inseparable from the burps, gurgles, bangs, and humming of the body’s organs and the surrounding environment. What transpires, Deleuze contends, is the coordination of discrete elements into phonetic series. An infant, immersed in the bubbling world of noise, catches repetition in the cascade of sounds coming from a mother and father and begins to feel out the order or series that they develop. In essence, the child participates in a practice of experimentation. It is thus of little surprise that ‘dada’ and ‘mama,’ words composed of bare repetition of phonetic elements, which repeat on the condition of minimal difference, compose the most basic words most infants first learn. Once these utterances occur, parents and other caregivers intervene to enhance the scale and complexity of this utterance thereby enabling it to become repetitive and assume multiple forms. The ‘imitation’ of dominant language by a child, however, covers over the underlying process of ‘becoming’ that gives way to this possibility since the child’s receptivity to language hinges on an experimental relationship to sense. The genetic conditions for the formation of sense thus in no way resemble the operation of language. Rather, Deleuze contends these are a product of material forces (the rumblings of the body and the world of sonorous intensities) that have to be produced and refined by an assembly of techniques and habits. The operation of sense consequently is built around a contingent, paradoxical element that produces the intelligible (and later the significant), which has determinate structure, but emerges through a specific process of production. In this regard, sense also plays a crucial way in the formation of new values because it marks the capacity to render something intelligible such that affirmations, evaluations, and even judgments can take place. Language, in this respect, intrudes on our world by overcoding our ability to form values and articulate things. Deleuze thus views the project of remaining open to sense as crucial to the production of values. Indeed, sense itself is malleable. The shifts in the flow of a river, for instance, may alter a sense of it and, as a result, the value of living or laboring near it. However, the openness of sense to various forms of work also means that sense can be ‘taken care of’ in very particular ways. In this



If nonsense is important to sense then it poses a problem for philosophy and politics. Indeed, Deleuze argues the basic project of philosophy anchors itself on the twin foundations of ‘good sense,’ or the truthful orientation of the faculties, and ‘common sense,’ or the concord and agreement of the faculties. While Deleuze’s first deploys these terms in the *Difference & Repetition*, he returns to this theme throughout the *Logic of Sense* and considers in greater detail what gives rise to the notions of good and common sense relative to his more general theory of sense.<sup>427</sup> In particular, Deleuze argues that the notion of ‘good sense’ treats sense as unidirectional, following an arrow of time from present to future, and, as such, functions to ground foresight and judgment.<sup>428</sup> Common sense operates in a similar fashion to good sense, but grounds an object as consistent across the faculties. By this Deleuze means that each separate faculty recognizes in a sensation a uniformity that makes it possible to determine the identity of an object. Common sense makes it seem that “one and the same self perceives, imagines, remembers, knows, etc.; one and the same self breathes, sleeps, walks, and eats....It is the same object which I see, smell, taste, or touch; it is the same object which I perceive, imagine, and remember...; and, it is the same world that I breathe, am awake or asleep in, as I move from one object to another following the laws of a determined system.”<sup>429</sup> The alleged concord of the faculties erases the discordance of paradoxical entities, which connect the faculties in disjunctive syntheses.<sup>430</sup> Common sense and good sense form a complementary relationship with respect to thought and sensation. Common

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way, sense has, for Deleuze, specific implications for both ethics and power. For more see Deleuze, *The Logic of Sense*, 186-195 and Deleuze and Guattari, *A Thousand Plateaus*, 251-265.

<sup>427</sup> Deleuze, *Difference and Repetition*, 134-136.

<sup>428</sup> Deleuze, *The Logic of Sense*, 75.

<sup>429</sup> Deleuze, *The Logic of Sense*, 78.

<sup>430</sup> Ibid, 78

sense supplies the coherence, permanence, and identity that help good sense determine the ‘true direction’ of things whereas good sense provides common sense with the appearance of rightness, truth, and meaning. The two constitute a double bind that traps sense in the figures of identity, resemblance, and recognition.<sup>431</sup> Moreover, good sense and common sense conceal the work of nonsense by treating all elements of sense as *a priori* intelligible and accounted for. If, as Deleuze contends, the production of sense occurs via nonsense and, in addition, sense goes in two different directions simultaneously (becoming), then good sense and common sense function to harness, limit, and strip sense of its powers. In this regard, common sense and good sense give social power to the division or “partition of the perceptible,” which Jacques Rancière describes as the foundation of politics.<sup>432</sup> In this way, good and common sense have a privileged relationship with the formation of normative knowledge because they constitute the preconditions within which a stale form of disagreement becomes possible.

Good sense and common sense limit the capacity of sense to affect politics. Indeed, according to Deleuze, sense harbors a potential to radically shift political understanding because it opens up the multiplicity of events. In this regard, sense has the capacity to produce “incorporeal transformations” in intelligibility that have a transformative effect on politics.<sup>433</sup> Put differently, invocations of sense can tap into systems and structures of power that otherwise remain imperceptible and make these into actionable entities. Common sense and good sense, in contrast, predetermine the virtue of particular capacities and strip sense of its ability to render intelligible the event. Foreclosing the event in this manner is not only counterproductive for politics, but ethics.

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<sup>431</sup> Ibid, 78.

<sup>432</sup> Jacques Rancière, *Disagreement: Politics and Philosophy* (University of Minnesota Press, 2004), 55.

<sup>433</sup> Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, 89.

Indeed, Deleuze declares “either ethics makes no sense at all, or this is what it means and has nothing else to say: not to be unworthy of what happens to us.”<sup>434</sup> At first glance, this appears like an expression of fatalism. On closer examination, the statement calls for an affirmation of an event and all of its capacities. Deleuze further remarks, “it wills now not exactly what occurs, but something in that which occurs, something yet to come which would be consistent with what occurs...the Event.”<sup>435</sup> Sense thus constitutes a part of ethics by enhancing the receptivity to the event. Concepts also play an important role in these ethico-political relations. In particular, the creation of concepts, which Deleuze and Guattari call the task of philosophy, also concerns a practice of “becom[ing] worthy of the event.”<sup>436</sup> Read in this light, concepts do not produce mental representations of the world, something that would submit them to regimes of common and good sense, but forms of sense that grapple with the implications of events, which traverse and befall us. Put simply, a concept is a device for expressing and relating to the event of novelty. Deleuze and Guattari consequently treat concepts as crucial to the discovery of new problems (which appear at the site of an event) and the forging of ethical relations to these events. In contrast to good sense and common sense, which force concepts to contort to predefined meanings, Deleuze and Guattari press for concepts as expressions of variation that enable the formation of sense and value and transform the register of the intelligible.<sup>437</sup> Deleuze and Guattari go so far as to say that concepts both mark the philosophical project of coming to terms with an event and argue that concepts tap into

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<sup>434</sup> Ibid, 149.

<sup>435</sup> Ibid, 149, emphasis in the original.

<sup>436</sup> Deleuze and Guattari, *What Is Philosophy?*, 160.

<sup>437</sup> More properly, Deleuze and Guattari mark the transition from *variation* to *variable* in the declension of heterogeneous mixtures into homogenous forms. Ibid, 167.

“pure reserve” of an event.<sup>438</sup> The work of sense, often unconscious and unnoticed, thus implicates political ethics and the openness to novelty.

In the context of the politics of genocide, as the next section argues, the danger of the normative understanding concerns the foreclosure of this multiplicity of sense, a closure that produces a form of passive nihilism. These forms of passive nihilism disable the creativity of the concept genocide, the multiple senses stretching forth from it, and the disclosure of a novel event of destructive power. In this light, the normative understanding remains essentially conservative, forever regressive and outmoded, and ultimately damaging to the capacities of the politics of genocide. The ethics proper to the politics of genocide is consequently an affirmation, but not in the form of a discrete research agenda or more moral injunctions, practices that animate publics to expand governance and control, but an exploration of what the sense of the concept can do even if this involves an exposure to the more horrific dimensions of contemporary political experience.

### The Politics of Sense

When Lemkin coined the neologism genocide he crafted a portmanteau word. The word consists, as virtually any brief exposition on genocide will tell you, of two root words ‘cide’ from the Latin meaning to cut, destroy or kill, and *genos* from Greek meaning a race, tribe, or group.<sup>439</sup> According to Deleuze’s argument, portmanteaus emerge in order to express novel forms of sense. Genocide involves exactly this effort. The concept links together a series of concerns regarding the status of groups, peoples,

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<sup>438</sup> Deleuze and Guattari, *What Is Philosophy?*, 156.

<sup>439</sup> Lemkin, *Axis Rule in Occupied Europe*, 79.

minorities, and other forms of life and connects these to a series related to cutting, killing, and destruction. By folding these parts together and entwining disparate phenomena, the concept marks something that traverses both in order to articulate the problem of the destruction of groups. Of course, this relative simplistic account of how the term organizes the series covers over a vast set of underlying operations, which connect the two series together. Indeed, as discussed at the beginning of this chapter, Lemkin's awareness of the problem that ultimately becomes genocide was a product of an emergent sensitivity to the fate of minority groups. This sense marked the convergence of several different developments in destructive technologies and practices, the wayward experience of otherness in Lemkin's life, and his familiarity with theories of law. According to his autobiography, from a young age, Lemkin was aware that legal orders were supplemented or doubled by unwritten codes and implicit rules regarding the treatment of minorities. In this regard, a sense emerged from the chaotic violence and disjunctions that marred Lemkin's early life and stood in stark contrast to his expectations for law and political order. Put differently, Lemkin's commitment to a form of progressive or enlightened politics generated a sense of doubt when these commitments failed to extend protections to the people, things, and beliefs he cared about. In this way, sense operates throughout Lemkin's texts as a nascent dimension of his exposure to the inconsistencies of legal order.

The trials of Tehlirian and Schwarzbard were the aleatory events or paradoxical objects that transformed this sense from an imperceptible feeling into a problematic event. In these trials, the publics of France and Germany were, in Lemkin's eyes, called to judge episodes of just vengeance. In these judgments, the conditions of minority life,

the background of events of group destruction, and the values of the legal order were brought to the forefront. Yet, in each case, the trial was a kind of sham. The defendant in the dock was, in Lemkin's reading, an occupant without a proper place, wrongly accused, wronged in every sense of the word, even wrong in their retributive actions. In contrast, the law offered an empty space where judgment for Pasha and Petliura should have taken place. Between this person out of place and the empty space of judgment, a bit of nonsense emerged within the legal order. This nonsense was, as I previously described, a gap in the law produced by the novelty of the destruction of groups. The discovery of this nonsense produced numerous processes of sense-formation in Lemkin. It was the emergence of this sense that ultimately generated the concept genocide in order to articulate the problem of novel destructive events. From there, the transformation of genocide into law and normative understanding chipped away at the radical dimension of this sense by installing regimes for organizing, stratifying, and overdetermining the meaning of the term. In doing so, sense went from a provocative, affirmative, and energizing dimension of the politics of genocide to simply the recognition of yet another crime of international law.

In part, Lemkin is at fault for starting this process. His training as a lawyer and his aspirations regarding liberal politics led him to a strategy of integrating genocide into international law. Throughout his later years, Lemkin was obsessed with this goal as if the act of outlawing genocide would spur sufficient political energy to ban the practice altogether. Lemkin thus evinced a now common faith that genocide emerges largely as a result of the inconsistent application of international law, norms, and morality. Once purged of these inconsistencies, the system of international jurisprudence should, the

argument goes, greatly reduce the outbreak of genocide. In short, if the system isn't working then it just needs to be patched up. This belief, which subtends the normative understanding, interprets sense exclusively in the form of good and common sense. However, even in Lemkin's work, the assumption that common and good sense can correct problematic practices amounts to more of a belief than a reality. Indeed, the sense of genocide includes a discovery of the constitutive incapacity of law to respond to destructive events that surpass it. By this I mean part of the sense Lemkin develops concerns the capacity for a political order to produce emergent destructive processes from within its own rubrics, habits, and conditions. Unfortunately, the only way that the progressive or liberal legal tradition thinks genocide is as an anomaly, a form of barbarism, or an outbreak of uncivilized behavior.<sup>440</sup> In other words, the liberal tradition casts genocide as a decisively apolitical event that offends common sense and civilized conduct. It thus seeks to banish genocide from political practices. However, as numerous commentators including Zygmunt Bauman, Hannah Arendt, Donald Bloxham, and Mark Levene have shown, genocide emerges from within contemporary political conditions.<sup>441</sup> The easy division between genocide as a remote and horrific problem and the progressive development of international law thus rests upon an illusion regarding the sanctity of the Western politics.

Moreover, in many respects, Lemkin's work captures a sense that contemporary politics harbors a potential to produce emergent destructive events that rebound

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<sup>440</sup> Lemkin's earlier categories 'crimes of vandalism and barbarity' express this attitude as does the repetition of this language in his construction of genocide. Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations"; Lemkin, *Axis Rule in Occupied Europe*. For a fuller treatment of the relation between barbarity and genocide see Powell, *Barbaric Civilization*.

<sup>441</sup> Bloxham, *The Final Solution*; Levene, *Genocide in the Age of the Nation State*; Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca, N.Y.: Cornell University Press, 2000); Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973).

throughout social life. While common sense and good sense attempt to eradicate this possibility, it is nonetheless there as a constitutive dimension of the politics of genocide. To clarify my point, Lemkin's work unleashes a sense of a problematic event running throughout European politics at his time. This event takes on numerous forms, relations, and identities, but in each instance incorporates the destruction of forms of group life at the broadest levels. These destructive processes arise from within the commitments and beliefs that allegedly characterize, enhance, and improve the modern political condition. As chapter three noted, destructive events become productive of the very communities that they befall, they exceed intentions (whether individual or legal) and cut across the boundaries of group life and identity. The concept genocide draws these events into intelligibility and expresses their sense. The concept consequently has a capacity to politicize a set of conditions, which often produce nightmares for entire societies. This capacity, however, depends on the sense of genocide not being located exclusively in one historical moment, identity or type of violence. Indeed, the normative understanding's insistence on the limits of the concept diminish these powers precisely because they register the event of genocide as one more orderable occurrence in the world. In contrast, the sense of genocide includes a capacity for political conditions to produce horrific events in excess of themselves or, put differently, to operate as generative conditions that may seem placid, but give way to nightmare.

In this respect, the genre of horror best captures the sense at work in the politics of genocide. The value of thinking about politics in terms of genre is that it captures how a set of expectations about sense, significance, and meaning play out in social life. A genre thus describes how sense operates by framing our expectations in order to render



intelligible social relations. In particular, the genre of horror affords things a disturbing independence to human perception, beliefs, and aspirations. Horror marks, as Eugene Thacker argues, the limits of thought and understanding.<sup>442</sup> As such, horror not only names unfathomable beasts or terrors, but also serves as a genre of political engagement.<sup>443</sup> In the case of genocide, this genre reveals how the terms political discourse, including equality, freedom, the good life and so on, often produce emergent destructive processes that unmake entire modes of life. The genre of horror marks how genocide forms as a multiplicity that adapts and evolves from everyday political experience. Put simply, the sense of genocide renders intelligible the predicament of living in a biopolitical age that dissolves rapidly and auto-poetically into thanatopolitics. Horror constitutes genocide not simply as a problem of evil intentions, mass killing, or specific forms of identity, but of a liquid potential within for the politics of life to convert into destructive events of unprecedented scale, complexity and intensity. Moreover, it is this dimension of the sense of genocide that poses such a threat to the normative understanding. If genocide cannot be located outside the political tradition as a form of barbarism or inhumanity, but rather emerges from within the liberal tradition then the solutions offered by progressive politics are cast into doubt. The sense of genocide consequently poses a fundamental challenge to the consistency of contemporary

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<sup>442</sup> Eugene Thacker, *In the Dust of This Planet* (Ropley: Zero, 2011), 10-14.

<sup>443</sup> There is an immense literature on the genre of horror in the context of film, literature, gender studies, terrorism and politics. For my purposes, I adopt the genre to think through the frames of intelligibility characterizing genocide. This represents only a snippet of the tremendous amount of work generated on horror in the past few years. Justin Edwards and Rune Graulund, *Grotesque*, 1 edition (London: Routledge, 2013); Thomas Ligotti and Ray Brassier, *The Conspiracy against the Human Race: A Contrivance of Horror* (Hippocampus Press, 2011); Nick Land, *Fanged Noumena: Collected Writings 1987-2007*, ed. Ray Brassier and Robin Mackay, 1st edition (Windsor Quarry: Urbanomic / Sequence Press, 2011); Adriana Cavarero, *Horrorism: Naming Contemporary Violence* (New York: Columbia University Press, 2009); Barry Keith Grant, ed., *The Dread of Difference: Gender and the Horror Film* (Austin: University of Texas Press, 1996); Julia Kristeva, *Powers of Horror: An Essay on Abjection*, trans. Leon S. Roudiez, Reprint edition (New York, NY: Columbia University Press, 1982).

responses to genocide by exposing a wayward contingency underlying social commitments at the very moment when destructive technologies put into question life at the broadest levels.

While Lemkin sought out a legal solution to destruction, the sense of genocide at play in his work already points to the limits of this approach. Lemkin himself alludes to this adaptive and evolutionary capacity of contemporary destruction, which as he states at one point, is like a plague or a wind and impossible to determine or predict in advance.<sup>444</sup> The implications of this observation are, for social scientists, theorists, religious leaders, victims of violence, students, and politics in general, horrific precisely because they indicate that the invention of genocide marks the appearance of destructive processes that have self-organizing powers unassailable within traditional political rubrics. Genocide discloses the horror that, in a biopolitical age, the very connections that foster life in the broadest sense may, at a whim, transform into those of destruction, that, political violence devours from beneath, within, and beyond the structures and parapets that support the articulation of politics. Following Deleuze, such an event, hailed by the concept of genocide, would be *aliquid* and monstrous, but also an altogether sensible process.

Speculatively, we might even describe this horror as a distinct being or process, an ontologically real and insistent force that operates without concrete form, but reappears in numerous political conditions. The genre of horror captures the contingency of such a process because it admits the becoming of form through its very destruction or unmaking.<sup>445</sup> Horror, consequently, exposes the limit where thought and understanding

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<sup>444</sup> Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations."

<sup>445</sup> Thacker, *In the Dust of This Planet*, 31.

falters with the unruliness of things, but is nonetheless caught in the process.<sup>446</sup> In this regard, horror describes the conditions of life where becoming, growth, productivity and vitality coincide with their unmaking and destruction, where politics becomes, as Foucault put it, an activity where “massacres have become vital.”<sup>447</sup> The sense of genocide forces a reevaluation of the investment in the politics of life since it exposes the capacity of this politics to slip become life’s unmaking when destructive processes of unprecedented scale and intensity take form and force throughout multiple channels of contemporary life.

The concept genocide likewise retains the sense of horror whenever it renders intelligible the emergence of destructive processes of this sort. In doing so, the concept breaks from the series of thanatographic images and narratives that tend to characterize events of mass violence and instead points toward the more unsettling and traumatic capacity for destructive processes to suddenly arise from within the swirling intensities of political life. The horror revealed by the concept genocide should thus not be confused with a call to political passivism or a demand that we should all live in terror. To the contrary, horror becomes a problem, a political condition, to be worked on, thought about, and reconsidered. Certainly marginalized groups, populations that live in the remnants of genocidal destruction, echo the impossibility of describing or ‘bearing witness’ to this condition since its passage takes place in a way that damages the capacity to communicate it. The sense of genocide remains, in this regard, incommensurable, but not inexpressible.<sup>448</sup> By this I mean the sense of genocide supplies resources for calling into question the production of horror. In this way, sense, the offspring of the event,

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<sup>446</sup> Ibid, 5.

<sup>447</sup> Foucault, *The History of Sexuality, Vol. I*, 137.

<sup>448</sup> On this point see Felman and Laub, *Testimony*, 75-92.

problematizes the political condition that it expresses. If the stakes of genocide are as broad as I present them then it also entails envisioning another sense of political order with newfound commitments. Horror is productive in this fashion because it calls for a reassessment of the terms, attachments, and modes of belonging that safeguard politics. Thinking genocide in terms of horror calls into question the banality of everyday political presuppositions. It is precisely at this point that the normative understanding of genocide is the most dangerous because it undermines the capacity for this work of sense by insisting on the discrete, intelligible, and apolitical nature of genocide.

In fact, nothing in this dissertation suggests that the multitude of observations made by the hundreds of scholars, activists, and politicians focused on genocide are fundamentally incorrect, but rather that the politics of genocide their discourse produces limits the sensibility of genocide and banishes the possibility that genocide could be unthinkable from within traditional political rubrics. The sad reality is that the ‘disagreement’ taking place around genocide revolves around relatively stale rejoinders about the omission of cases, the proper strategies of prevention or the best methods of redress rather than the challenge the sense of genocide (and the problematic event it engages) poses for contemporary politics. It is this challenge that reappears in all of the struggles over the term and, ultimately, dissuades political communities from accepting its standards without exceptions, disavowals, and wills-to-ignorance. It is almost as if the normative understanding is, as Michel Foucault eloquently put it, “waging a secret war,” by diminishing the degrees of power of the concept.<sup>449</sup> In contrast, I argue that if we explore the sense of the concept genocide, by which I mean its manifold and multiple

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<sup>449</sup> Michel Foucault, *“Society Must Be Defended”: Lectures at the Collège de France, 1975-1976*, Reprint edition (New York: Picador, 2003), 50.

senses, then an entire series of commitments, foundations, and pretenses would have to be reevaluated. Beyond the limited problematic of ‘great power hypocrisy’ or ‘human rights regimes,’ the sense of genocide calls into question an implicit set of values by exposing their arbitrary, problematic, and possibly horrific character. As a form of horror, the sense of genocide resets the terms of the political by posing a limit to our capacity to think within traditional rubrics about the relationship between the event of genocide and politics. The resonance of the concept, the outrage forged around it, has thus been stifled in advance by the normative understanding. While it would be silly to collapse entirely the distinctions between genocide and other modes of violence (to see all violence as interconnected is to make no observations about it at all), the sense-event hailed by the concept genocide does not yet have determinate boundaries and, as such, calls for conceptual, theoretical, and political experimentation rather than an appeal to legal reforms, academic boundaries, and a global police apparatus. This process is already underway in the becoming and creativity of innumerable political struggles that invoke genocide as a way of politicizing their condition, but is just as easily reversed and consolidated into a defense of the status quo. The very fact of this reversibility, which depends on the multiplicity of sense, illustrates that we have not yet come to terms with the sense of genocide and that the contestation over the concept will shape the future of politics to come. The basic claim of this project is that this contest requires openness to this event, to rethinking the process of destruction as genesis of politics, and that begins with concrete shifts in the distribution of sense with respect to political violence. Moreover, the more immediate value of reprising of sense is an engagement with the passive nihilism that dominates the politics of genocide.

Indeed, virtually any project or politics of genocide invariably confronts the problem of nihilism because genocide poses a challenge to the much-vaunted values of humanism, equality, and tolerance, with something ugly, insensible, catastrophic, or horrific. Doubt, remorse and terror typically follow. An entire literature on post-genocide life deals almost exclusively with this dilemma: how to live in a world with genocide?<sup>450</sup> For decades after the First and Second World Wars, legions of intellectuals, artists, teachers, religious leaders, and politicians grappled with the destructive aftermath of technological warfare, atomic development, and mass murder. Confronted with these events, the question of the worthlessness of values, of existence itself in late modern life, became a consistent theme.<sup>451</sup> While the problem of nihilism emerged separately in many aspects of contemporary politics, it became a particularly important problem for the politics of genocide since genocide is often characterized as a problem of world-destroying character or ultimate evil.

Broadly speaking, two responses emerged in the politics of genocide in reaction to the predicament of nihilism. The first response, which I call the optimist response, works to restore values in the face of genocide by protecting transcendent values. The optimistic response endeavors to enshrine and safeguard these values against the danger posed by genocide. It consequently engages in what Nietzsche described as *ressentiment*

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<sup>450</sup> There is a large literature on this issue. Two of the most famous texts to directly deal with the question in the wake of the Nazi Genocide are Jean-Francois Lyotard, *Differend: Phrases in Dispute*, 1st edition (Minneapolis, MN: University Of Minnesota Press, 1989); Theodor W. Adorno, Else Frenkel-Brunswik, and Daniel J. Levinson, *The Authoritarian Personality* (Norton, 1993). For an assessment of the relationship between nihilism and 20<sup>th</sup> century atrocities see Stefan Elbe, "European Nihilism and Annihilation in the Twentieth Century," *Totalitarian Movements and Political Religions* 1, no. 3 (December 1, 2000): 43–72; Bauman, *Modernity and the Holocaust*.

<sup>451</sup> A large number of texts subscribe to this theme for a sample see: Card, "Genocide and Social Death"; Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Reprint edition (Cambridge: Cambridge University Press, 1992).

by finding a site of blame for the appearance of genocide.<sup>452</sup> The second response, which I call the realist response, accepted genocide as a constitutive and condemnable part of politics, but laments our inability to do anything about it. The realist response largely conforms to the structure of what Nietzsche described as *bad conscience* by assuming a kind of perverse responsibility for genocide.<sup>453</sup> These two responses characterize a large portion of the politics of genocide. Practical political solutions also fall into this structure by calling for the strengthening of transcendent legal, moral, and political or power with calls to ‘do something,’ ‘to intervene,’ ‘to make a difference,’ or to ‘never forget’ while the cynical presumption that nothing can be done about genocide, a perspective that often characterizes realist acquiesce in International Relations, amounts to a disengagement or abandonment of the problem of political violence. Both responses react to the sense of genocide as a kind of horror, the former manages this sense of horror by attempting to banish it from the world while the latter resolves the sense of horror by assuming responsibility for it. In both cases, the response succumbs to passive nihilism because it thinks of genocide as destructive of fundamental values, but never views the sense of genocide as integral to the process of creating new values.

Indeed, just as Nietzsche argued that Christianity’s insistence on the value of truthfulness ultimately undermined the value of both Christian morals and truth itself, the call to strengthen universal morality paradoxically endorses a bellicose spirit when *ressentiment* and *bad conscience* become productive.<sup>454</sup> When this occurs, the possibility of restoring values depends either on eliminating forms of *otherness* understood to be the true source of genocide or assuming that politics is a monstrous business and acting

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<sup>452</sup> Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, 36-37.

<sup>453</sup> Ibid, 59-65.

<sup>454</sup> Ibid, 161.

accordingly.<sup>455</sup> The possibility of restoring value consequently depends on a reserve of violence in order to promise a better future tomorrow.<sup>456</sup> The emergence of passive nihilism in the politics of genocide should not come as a shock. With the discovery of nihilism, Nietzsche anticipated a future of disasters. As he writes in the *Will to Power*: “For some time now, our whole European culture has been moving toward a catastrophe, with a tortured tension that is growing from decade to decade: restlessly violently, headlong like a river that wants to reach the end, that no longer reflects, that is afraid to reflect.”<sup>457</sup> For Nietzsche, nihilism was the engine driving society toward this catastrophe. While Nietzsche’s untimely ruminations do not expressly describe the emergence of genocide, they nonetheless speak to a coming disaster for both thought and culture writ large. Moreover, according to Nietzsche’s insights, the turn to universal or transcendent values may deepen the problem of nihilism and promote a greater violence within contemporary politics. Indeed, if passive nihilist responses to genocide work only on the condition of banishing some form of otherness from political consideration then they miss the point entirely. By getting rid of particular elements of political experience they provide the illusion that genocide is behind us while entrenching political conditions generative of forms of mass destruction. Similarly, treating genocide as a sad byproduct of a grim world does little but reinforce the need for cruelty and malice as parts of political life. Instead of opting for these responses, might it be possible, following Nietzsche, to work from within the nihilism produced by the sense of genocide in order to find the resources for more creative and affirmative political possibilities? The wager of

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<sup>455</sup> Ibid, 36-39.

<sup>456</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 98.

<sup>457</sup> Friedrich Nietzsche, *The Will to Power*, ed. Walter Kaufmann, trans. R. J. Hollingdale (New York: Vintage, 1968), p. 3.



this project hangs in the response to this question since the purpose of critiquing the concept is, to reevaluate the concept of genocide, to give its politics new life thereby inventing a new value for the concept. This begs the question of what it would mean to find within nihilism the capacities to think otherwise and, in particular, to contest the foreclosure of politics quietly engendered by the normative understanding.

For Nietzsche, the answer to the question of whether nihilism can produce new values is clearly an affirmative. Nihilism's emergence takes place in relation to the category of truthfulness.<sup>458</sup> The truths we cling to wear out, become idle, and fail to work as what Nietzsche calls the will-to-power produces new challenges. The value of truthfulness thus calls into question the value of other values. Eventually, thought arrives at the point where truth calls itself into question as a value since the conditions that demand it no longer make sense. According to Nietzsche, the theological and philosophical commitments to the value of truth paradoxically bring to light the fictitious nature of god, morals, law, truth, and ultimately, appearance itself. For Nietzsche, this revelation exposes how the various idols of Christianity remain arbitrary cultural constructs invested in the reproduction of power and held fast by a will to nothingness.<sup>459</sup> Nihilism appears as a predicament coeval with the collapse of truth as a value capable of preserving and safeguarding other values. Yet, what Nietzsche recovers in nihilism is the capacity for the production of value itself. The discovery of the valuelessness of values provides a clearing for making new values, which engender greater capacities for life. The nihilist conceit thus amounts to a declaration of joy for Nietzsche because it signals

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<sup>458</sup> Ibid, 10.

<sup>459</sup> Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, 152.

an escape from *ressentiment* and bad conscience. Nietzsche calls this possibility an ‘active nihilism.’<sup>460</sup>

Nietzsche’s spirit of active nihilism has been harnessed for expanding the possibility of a number of incipient political projects.<sup>461</sup> Yet, contemporary invocations of Nietzsche cannot simply mimic the structure of Nietzsche’s own work because the values in question are not the same. In the context of genocide, for example, we no longer dealing directly with the value of truth per se, but the problem of horrific forms of political destruction. The development of nihilism in this context is, as I previously argued, a byproduct of the sense of genocide, which calls into question the basic commitments of a polity to encouraging the flourishing of life. Nihilism develops when this sense, which operates throughout the politics of genocide, undermines the value of traditional forms of political engagement. Passive nihilism, however, reinforces these values in spite of these transformations or, put differently, maintains the same political institutions, terms and commitments in the face of a radically different sense. In the case of the politics of genocide, the fundamental problem for passive nihilist responses is their consistent inability to think genocide as *constitutive* rather than merely *impactful* in contemporary politics, as emergent from within the terms of the political rather than exogenous shocks to it. By this I mean that both the realist and optimistic responses share a conviction that genocide ruins the world and, in doing so, separate genocide from the world thereby making genocide extrinsic, yet forceful in contemporary politics. This separation legitimizes a host of problematic countermeasures, which have been detailed

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<sup>460</sup> Nietzsche, *The Will to Power*, 17.

<sup>461</sup> See for example William E. Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox, Expanded Edition*, Revised edition (Minneapolis, MN: University of Minnesota Press, 2002).

in the previous chapters, because it makes genocide into a governable problem related to specific forms of difference.

Moreover, this response also misses the becoming of genocide, which deviates from schemas, rules, and norms that underpin the normative understanding. In the case of genocide, sense harbors a darker potential for unmaking the flourishing of life. If, for Nietzsche, the event, the discovery of the death of god, occurs because the value of truth auto-poetically generates its own deconstruction, then in the case of the genocide, it is not an external encounter with *otherness*, but the attachment to politics, to community, to thriving that genocide marks as a horror antithetical to itself. Indeed, the sense of genocide entails the possibility that the highest political values, which support, nurture and enable the community are deeply imbricated with the worst forms of destruction that undermine communities at their foundation. The sense of genocide consequently destabilizes our belief in the structures of power that supposedly facilitate thriving in a biopolitical age. The advent of nihilism is thus internal to the event of genocide, but predicated on only a single sense, an attempt to rectify the direction (good sense) of the genocide event by assigning it an identity (common sense) that remains external to politics.<sup>462</sup>

The normative understanding of genocide flourishes within this dominant regime of sense because it formulates knowledge that predetermines the significance of genocide as an event. The diversity of knowledge constructs surrounding genocide thus emerge as a discourse organized not by a common object, as I previously stated the normative

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<sup>462</sup> As I argued in the previous section, Deleuze says that ‘sense’ can be said in the same way of things that are opposed from the perspective of a proposition or a state of affairs. ‘The morning star rises’ and the ‘evening star rises’ thus afford the same sense despite their divergence. The sense of optimism and realist is thus the same despite the disparate reactions.

understanding includes multiple different debates over genocide, but because of the sense in which an event is spoken. Beyond the limits of this or that representation of genocide, this sense determines the course of the politics of genocide and the form of interventions offered in response to genocidal politics. The reaction to the sense of horror that emerges with destructive events paralyzes the normative understanding and returns in the form of passive forms of enjoyment, subtended by the knowledge that we are complicit in genocide, or, alternately, takes form in the effort to find another origin to genocide in the psyche, evil, or some form of otherness. In the process, an array of control technologies, modes of governance, and biopolitical motifs entrench themselves in the politics of genocide, coordinating the set of statements that can be made about genocide and when they become significant.

If, however, the event the concept of genocide hails is itself a process of becoming, one that operates through difference and dispersion, then the static approach of the normative understanding is returning to the ghosts of the past and actively reproducing them as the specters of the present. As each chapter discusses, group life, destruction, and desire 'become,' transforming in unforeseeable fashions. As long as the dominant regime of sense underlying the normative understanding tethers genocide to a single sense then the political capacity to think and respond to destruction will be continually outmoded by a process of becoming. What we need instead is a pluralization of the concept and its sense, a process underway in the minor tradition which thinks destructive processes as constitutive of the fabric of social relations. Indeed, the passive nihilism engendered by the normative understanding would, consequently, not exhaust our vocabularies, practices, and modes of thought, but be a signal for creativity.

Rethinking horror as part itself, for instance, may be more creative than the normative understanding and may provide avenues for challenging reactive politics.

What this would mean for practical politics is not easy to describe. It is a speculative project that appears in numerous forms. There is no program for the multiplication of sense because, contrary to the common and good sense, we are not in control of sense. Sense enacts a donation of intelligibility and is itself only intelligible on the fringes of experience. Experiments thus take the form of aesthetic, scholarly, and political interventions of the minor tradition as well as the battle for expanding the legitimate application of concept. Many of the excerpts throughout this dissertation point to the valuable work of genocide scholars who stretch the concept to new domains and territories, or political movements that charge genocide as an alternative to the vocabulary of rights and freedoms and vitalize politics by linking disparate temporalities, speeds, histories of violence and their role in the production of the present. In these efforts, a multiplicity of sense unfolds. How this grapples with the normative understanding of genocide or the legitimization of preemptive war in the call to stop genocide is, as yet, undetermined. In these cases, however, the concept of genocide serves not only to reproduce passive nihilism, but to open up a creative potential for affirming a multiplicity of senses and interrupt the foreclosure of the political. Indeed, as Deleuze argues, resignation constitutes one of the foremost figures of *ressentiment* and nihilism. Read in this light accusations regarding the inevitable ‘failure’ of certain political alternatives constitute a self-defeating retreat into nihilism.<sup>463</sup> The flimsy determination of a ‘good’ or ‘successful’ politics hinges on a prior regime of sense that could ground such a judgment. Relaxing the urge to determine the meaning of the

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<sup>463</sup> Deleuze, *The Logic of Sense*, 149.

concept is thus an important practice for soliciting new forms of sense. If this seems untenable in the case of an emergency like genocide that too is a product of a prior determination of significance, the trap of a particular sense, that almost always arrives on the scene too late.

Certainly, opening the concept entails risk. Concepts can serve all manner of nefarious and malicious purposes. Yet, the ‘success’ of the normative understanding and the current antigenocide regime is, at best, inconsistent and, at times, actively complicit with the expansion of violence and control. This is by no means to suggest there haven’t been vital interventions taken against acts of mass violence, atrocity and genocide, but rather, that these emerge not from an engagement with the normative understanding of genocide, but from the inspiration of sense that fosters more creative, active, and ethical engagements with particular political circumstances. Denouncing the ‘scourge’ of genocide does not, as a mode of ethical response, escape the predicament of ‘doing nothing,’ but it does refine the sense in which this event is understood and work on the set of rigid reflexes that are equally unhelpful. ‘To become worthy of the events that befall us,’ seems almost impossible in relation to genocide, an event that may shatter any sense that we want things to return eternally. Yet, to sense differently is the hallmark of horror and, in the case of genocide, a vital task for thinking through the contingency and challenge of living in biopolitical condition that all-too easily converts into thanatopolitics. The purpose of this project has been to explore the limits of sense and the normative understanding of genocide as well as the consequences it has for politics. It thus offers more of a speculation on how to produce a more creative politics of genocide than a program. In an academic context, however, this process entails experimenting with

the concept of genocide to see how it attaches to new problems, forces, and conditions. This experimentation hopefully adds a different form of intelligibility to the problems and supports the creation of new habits with respect to them. Part of the point of the politics of sense is that the effort to redesign a concept to support a specific research agenda that ultimately undermines the capacity of sense to politicize. In this regard, the final section of this project presents several experiments with the concept of genocide in order to see what form the multiplication of sense might take. These are not intended as final judgments, but rather as efforts to employ the capacities of the concept to produce a new set of values by linking genocide to circumstances that it is traditionally excluded from. In the context of producing knowledge, I believe this constitutes a repudiation of the limits of passive nihilism and an affirmative engagement in the politics of genocide.

### Senses of the Present

Imagine a potential future. The temperature of the planet has risen many degrees and everywhere human and nonhuman ecologies are in disarray. States, organizations, and communities, which took the calm for granted, are undergoing rampant transformation as the basic communal, industrial, and social structures that supported life for years fall to pieces. The flood is slow, so slow it will feel like a surprise in spite of our warnings.<sup>464</sup> Appeals to exclusionary nationalism or virulent calls for military control proliferate like a breeze over the now vast ocean, seeping into every political crevices and social fissures. As the seas rise and species die out, the question of life once again appears at the forefront of politics. As billions of people leave their shore-bound

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<sup>464</sup> McKenzie Wark, "Blue Ruin: Totality and Acceleration," *Public Seminar*, March 6, 2014, <http://www.publicseminar.org/2014/03/blue-ruin-totality-and-acceleration/>.

residences, places of worship, schools, jobs or temporary abodes, a massive flight from a bad reality begins.

The few states and institutions with sufficient resources and resolve may, under such conditions, opt to insulate themselves as best they can from planetary change by cementing the boundaries of their respective political communities both physically and ideologically.<sup>465</sup> What happens next? In such circumstances, I find it difficult not to think of the importance of Primo Levi's small text *The Drowned and the Saved* as strangely prophetic in its titular descriptions of this new planet divided by liquid zones of death and life. In this collection of essays, Levi includes his famous discussion of the 'The Grey Zone' as the space of moral ambiguity saturating what he calls 'the concentrationary universe'. The Grey Zone, Levi writes, confronts us with a dilemma: "willingly or not we come to terms with power, forgetting that we are all in the ghetto, that the ghetto is walled in, that outside the ghetto reign the lords of death, and that close by the train is waiting."<sup>466</sup> Levi's dark musings on the state of the camp offer a chilling indictment of the ethical stakes of political violence. Yet, their pertinence for the contemporary condition cannot be understated.

In a world of climate-induced atrocities, the groups subject to destruction, the modes of destruction, and the structure of intent will undergo decisive transformation. Yet, as Naomi Klein has already suggested, this too constitutes a form of genocide.<sup>467</sup> Setting aside for a moment the complex imbrications of species life and the important relation between genocide and mass extinction, climate atrocities will produce new, non-

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<sup>465</sup> Simon Dalby, "Rethinking Geopolitics: Climate Security in the Anthropocene," *Global Policy* 5, no. 1 (February 1, 2014): 1–9.

<sup>466</sup> Primo Levi, *The Drowned and the Saved* (New York: Vintage International, 1989), 69.

<sup>467</sup> Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (New York: Simon & Schuster, 2014), 276.



identity based groups subject to all the old familiar forms of deprivation, exclusion, and violence, but also the slow death of a changing planet.<sup>468</sup> Inaction, both in the face of warming and the destruction of groups, may suddenly become a kind of malice practiced through feigned ignorance and born out of a biopolitical pretense toward species-read self-preservation. Genocide, in this sense, will be fully ecological, but thoroughly political, materially diverse and unfathomably destructive. Such an event will have less affinity to the explicit regimes of genocide practiced totalitarian states and more connections with the slow deaths of Herero, arguably the first episodes of twentieth century genocide, in which the Omaheke desert performed much of ‘killing labor’ for von Trotha and the German colonials.<sup>469</sup> Rather than colonial acquisition, what will occur might be a massive, intense retreat, scorched earth warfare, preceded by melting ice caps and the transformation of the polis into a policed ecology. Genocide recurs with difference in both settings w as biopolitics supplies novel criteria for determining what modes of dying are politically permissible for which peoples.

This scenario is barely intelligible in current political discourse and only exists on the fringes of the genocide studies debate, the peripheral natures of these deaths mirroring the peripheral space climate atrocities occupy in contemporary thought about genocide.<sup>470</sup> Apocalyptic or not, fantastical or grimly realist, the conditions described above highlight the function of sense in the production of political possibility. The hegemonic interpretation of genocide and climate have been held apart not only because of express

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<sup>468</sup> For an excellent exposition on the continuity and mutual entanglement of species life and death see Thom van Dooren, *Flight Ways: Life and Loss at the Edge of Extinction* (New York: Columbia University Press, 2014).

<sup>469</sup> Dominik J. Schaller, “The Genocide of the Herero and Nama in German South-West Africa, 1904-1907,” in *Centuries of Genocide: Essays and Eyewitness Accounts*, ed. Samuel Totten and William S. Parsons, 4th Edition (New York, NY: Routledge, 2013), 90.

<sup>470</sup> Jürgen Zimmerer, “Climate Change, Environmental Violence and Genocide,” *The International Journal of Human Rights* 18, no. 3 (April 3, 2014): 265–80.

efforts to depoliticize both problems, but also because the modes of sense enframing these events function according to the strictures of the normative understanding. They are, in other words, held apart by the very divisions, which sense makes intuitive. This has negative effects not only for climate change, but for the realization that genocides always involve control and destruction of environments.

Yet, sense also has the capacity to shift suddenly and produce new values. The birth of sense, for all its care, takes place largely independent of human whimsy. Futures inhere in a present already passing not just as tame possibilities, but as active ingredients to political life. Put simply, the unruly dimension of sense intrudes on the complacent approaches to both of these events and renders intelligible the links between them. In doing so, it may be possible to incite resonances between ecocide and genocide such that the energy and fervor underlying the moral abhorrence of genocide implicates our reception to the Anthropocene. Indeed, it is not difficult to make the claim that the Anthropocene constitutes a form of genocide if a highly novel and negligent one. Ironically, recent scientific studies dating the onset of the Anthropocene have turned to the abrupt loss of life following Columbus's 'discovery' of the new world as demarcating the moment when carbon emissions began to accelerate and affect the planetary ecosystem.<sup>471</sup> A genocide event may thus be the condition of possibility for the Anthropocene just as much as the Anthropocene foments multiple genocides. This conclusion also shows the horror attendant in the politics of sense surrounding genocide for genocide, in this reading, constitutes both the horizon and origin of the present ecological catastrophe underway as well as being both a byproduct of human activity, fully independent of human choices, and an emergent unruly process. If horror names the

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<sup>471</sup> Lewis and Maslin, "Defining the Anthropocene."

sickly genre of attachment to a world of unknowing, contingency, predation then it also captures the degree to which certain forms of genocide constitute the present crisis. Horror also calls for invention, not in the form of better technologies for managing and engineering the future, but in the capacities of sense. In the context of climate genocide, this involves both engaging the myriad of violences already underway as part of migration, desertification, and resource distribution as events to be taken seriously as instances of genocide, attempting to rethink notions such as belonging, territory, and identity to create space to harbor emerging groups subject to the destructive power of climate, relaxing the impulse to police difference and threats, and, lastly, rethinking the urge to control the future.<sup>472</sup> Hopefully, such a shift in sense would also rearticulate the types of continuity and sharing constitutive of other being-together with other species and forms of life.<sup>473</sup> Indeed, if climate change involves the formation elaboration of a grey zone at a planetary scale then proliferating alternative modes of sense constitute a critical development for enabling new challenges to the passive acquiescence of biopolitical abandonment already underway.

Think of a city. The denizens come and go, walking paths, working, making music, selling goods, or just inhabiting space. Industries connect people and buildings, skylines provide horizons, agonistic relations form over land, gods, and grievances. Children attend schools and churches. Crimes occur. Money is made. Uneasy tension, enmities and senses of comradeship develop. Myths swirl into a history of place told by tongue and sidewalk lore. Cities with traditions, cities forged from conflict, cities of

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<sup>472</sup> Welzer, *Climate Wars*.

<sup>473</sup> Dooren, *Flight Ways*.

commerce, and cities as ecologies.<sup>474</sup> By the ocean, in the flatlands, amidst a desert, on a mountain, somewhere, in the middle of nowhere, traversed by trade routes and economic flows, rippling with serrations, disruptions, highways, segments, and tiny pockets of freedom, covered in concrete and glass, tiny enclaves of mineralization solidifying the bonds of communal life.<sup>475</sup>

Cities are necessarily complex assemblages. Yet, they also often have an identity.<sup>476</sup> You are from Baltimore not Boston. You hail from Beirut not Barcelona. Cities thrive and speak multiplicity. They are equally spaces of security, exclusion, and destruction as fruitful opportunities for the flourishing of life and traps for the creation of ghettos and zones of abandonment.<sup>477</sup> The texture of cities is too distinctive to describe in detail here, but the sense of the city, the whirling forces that create place and distinguish cities from one another are remarkable. The city is an entity, a group, whose materialization is every bit as real as the bells of a tower or the spires of a monument, whose inflection in language, habit, and disposition is notable in the statistical aggregate. Cities mark a social identity, but also a material one.<sup>478</sup> They form from a series of synthetic encounters between the people and other entities occupying the city through the businesses that form, the roads you travel, the air you breathe, the places you vote, the graffiti you see or the playgrounds your children frequent. Cities link to one another, to agricultural space via innumerable corridors in land, sea, and air. The life and death of cities is singular.

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<sup>474</sup> See Manuel De Landa, *A Thousand Years of Nonlinear History* (New York: Zone Books, 1997), 38–40.

<sup>475</sup> Ibid, 20–35.

<sup>476</sup> Ash Amin, “Collective Culture and Urban Public Space,” *City* 12, no. 1 (April 1, 2008): 5–24.

<sup>477</sup> Etienne Balibar, “Outlines of a Topography of Cruelty: Citizenship and Civility in an Era of Global Violence,” *Constellations* 8, no. 1 (2001): 15–29.

<sup>478</sup> Amin, “Collective Culture and Urban Public Space.”

In the coming decades, more people will be residents of cities than at any point in history.<sup>479</sup> This process of urbanization, a product of the intensification of market inequities and structural adjustment, will also change the form of cities to increasingly emphasize the creation of massive slums. As they grow, cities also reengineer enclosures, spaces of confinement, and methods of securitization designed to regulate and redouble the traps of economic destitution. Yet, the very scale of urban spaces renders them inaccessible to traditional rubrics and practices of control.<sup>480</sup> The city itself escapes, energized by the unprecedented flow of capital accumulation, physical deterioration, unintentional planning, and the improvisations of the people trying to simply live life.<sup>481</sup> The globe may be undergoing a rampant process of urbanization, but urbanization is undergoing an equally rampant process of differentiation. The mix creates a tendency toward the development of new measures of political violence directed against the ensemble of space and inhabitants, of enclaves and corridors, rather than against people of static identity categories. While the old axes of exclusion such as race, sex, gender, and class find new purpose in urbanization, the city also generates novel battles over the possibilities for living (and dying) in a particular place. Paradoxically, the city emerges as both a novel form of life, the apparatus for confining and controlling this life, and the seat of various micro-practices cutting both ways.

To say that the future of cities is complex is an understatement. However, the city is certainly a complex system replete with recurrent patterns, energetic inputs, entropic products, fluctuations, digressions, stable, periodic, and wildly chaotic states. Cities,

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<sup>479</sup> Mike Davis, *Planet of Slums*, Reprint edition (London ; New York: Verso, 2007), 4-10.

<sup>480</sup> Stephen Graham, *Cities Under Siege: The New Military Urbanism* (New York: Verso Books, 2011), 349.

<sup>481</sup> Ibid, 148.

identity and practices, minerals and spaces, ghettos, slums, parks, and condominiums, compose and interrelate in a dynamic, open system. The ‘planetary’ process of urbanization, securitization, economic deregulation thus occur in connection with a radical potential for instability, which can either produce unprecedented growth and transformation of cities or their complete abandonment. Economic factors alone cannot account for this, much to the dismay of urban planners.<sup>482</sup> Instead, a host of ecological, non-human, social, and cultural factors co-operate in the making of a city via networks, hierarchies, and feedback loops. Regardless, if the city is a complex system then, according to dynamic systems theory, it also constitutes a kind of singularity.<sup>483</sup> The city ‘expresses’ itself as an emergent entity distinct from the various ‘parts’ such the synthetic connections formed by its inhabitants, economic relations, and environmental features. Just like a self-organizing chemical process, at a certain threshold, the city begins to exert ‘downscale’ effects regulating the fluctuations of these parts, promoting some and reducing others. The city, separate from its constituents, thus begins to operate as an entity with a real, differential (and measurable) effect. While the connections are direct, the development of city cultures, of a sense of space and belonging, no doubt develop at this point and reinforce the growth and differentiation of a city space. Indeed, even violent contests over the meaning of city-space rise against a backdrop of the city becoming significant as an entity in its own right.

Moreover, if the city is distinguishable as a self-organizing entity composed by human and non-human constituents then the city can become the subject of an attack. Indeed, Martin Coward, as discussed in chapter three, has already outlined a theory of

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<sup>482</sup> De Landa, *A Thousand Years of Nonlinear History*, 97.

<sup>483</sup> Ibid, 317.

urbicide as a new kind of warfare.<sup>484</sup> Cities and dwellings have long been prime objects of warfare from Tripoli, to Samarkand, to Bagdad. Strategies and techniques for toppling cities, for militarizing cities, and for undermining the city have thus always been a part of warfare. The glacis, which bounds the city is itself a mechanism for slowing things down, a machine of war and control.<sup>485</sup> Yet, if cities constitute distinct self-organized entities formed via synthetic connections and, furthermore, if we can document the effects of this organization not just in the history of violence, but in the everyday lives of the people who claim to hail from this or that place, then cities constitute a form of group life with degrees of power as potent and significant as race, ethnicity, religion or nationality as they have been traditionally conceived. The city is a group, explicitly and implicitly targeted for elimination and control, and subject to a distinctive set of technologies for achieving this destructive process from economic abandonment to atomic warfare.

We could press this logic further. The city itself could be the entity subjected to genocide and the different members of the city, as its constituent parts, the bodies bearing the marks of such an attack. Perhaps, a process of destruction is woven into the fabric of urbanization just as new strategies emerge to target and destroy city spaces. If so then the coordinates for envisioning and responding to political violence would have to be entirely refashioned since the age-old images and divisions of social life would no longer be salient tools of protest. As the acceleration of urbanization, in terms of both scale and speed, continues the problems and predicaments of the city blossom while the concepts capable of attesting and contesting the violence of city-making and city-management

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<sup>484</sup> Coward, *Urbicide*.

<sup>485</sup> Paul Virilio and Benjamin H. Bratton, *Speed and Politics*, trans. Mark Polizzotti (Los Angeles, CA: Semiotext, 2006), 9-12.

remain more anchored than ever to the past. Images of the ghettos of World War Two obscure the slow rise of multiple practices of ghettoization that dwarf those of the past.<sup>486</sup>

Indeed, the urbanization of war, a process largely treated as responsive to exigent technological and economic changes, would consequently have to be reinterpreted as the future horizon of a genocidal politics, which redefines biopolitical categories away from the divisions of race and toward the mode of living of city-life. Of course, this is not to suggest that the prior divisions disappear, but rather that the logistics designed to wage war against cities now occur under a cloak of legitimacy by permanently separating them from the vocabularies that could express their horror. Moreover, the fostering of city life, a space etched out and assembled for the purposes of producing specific forms of flourishing, in the ancient sense of the polis as a place for the governance of life, transforms into a horror as the sticky, network and, indeed, the very vehicle for the elimination of discrete forms of life. The duality of cities, their production as sites of flourishing and as vast sarcophagi, as makers of new peoples and as the object of novel modes of destruction, call for a reassessment of the intelligibility of the politics of genocide. Yet, contemporary urban war conceals the object, means, and intent of war *a priori* by standing in stark contrast to the supposed purpose, means, and subject of genocide.

As a complex system, a city may abruptly transform. Just like the life of an individual, their existence is precarious if, in many cases, buttressed by a variety of social, economic, and environmental feedback loops. The problem, however, occurs not with the status of cities in the generic sense, but with each specific city as a singular historical product, as a distinctive entity. The life of Baltimore, the life of Jerusalem, the

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<sup>486</sup> Davis, *Planet of Slums*, 20-49, 121-150.



life of Srebrenica. While it is difficult to describe the withering of crops or the drying up of jobs as techniques of genocide on account of their 'natural' occurrence, as a complex system, cities are subject to the exercise of new instruments of control that operate at different scales. Some of these are certainly innocuous while others expressly disregard the significance of city life. The question of the future, as urbanization accelerates, concerns how the city factors into politics. Since Aristotle the city has been the space for governance, for the gathering together of politically qualified life, yet today city-life takes off as distinctive irrespective of its allegiance to the classical image of the polis. The battle for the city, consequently, requires expanding the horizons of what constitutes a city and a mode of violence since economic deprivation or agricultural failure in city-life is organized, 'natural' disaster social and political. How to draw this line is an open, contestable, or political question. Is it possible the process of urbanization itself constitutes a form of 'concentration' that harbors or gives birth to genocidal fantasies or fascist intensities? To some, cities may register as nothing more than fungible masses of human capital in a profit-maximizing scheme or as nodes in an increasingly transnational network. Each statement might be true simultaneously, such is the nature of a complex system, which integrates numerous factors and can follow multiple potential pathways. In each scenario, however, the city expresses itself as a real, historically distinctive entity capable of life and death whose continuity relies on the practices of its denizens. The destruction of cities thus constitutes a problem thinkable in relation to the concept genocide, a concept that draws into relief the horror of the city as both engine, instrument, and place of novel forms of destruction.

Now, suspend yourself. Slow down. Take a breath. Contemplate for a moment. Breathe deep. As you draw the air into your lungs consider what it feels like for a moment. Depending on where you are the sensation may be odorless, sulphuric, smoky, fragrant, rank, or provide any of a number of other olfactory sensations. The sense emerges from a composition of the air, which is a mixture of different chemical elements such as oxygen, carbon dioxide, methane, and other trace gases, microorganisms, spores, and molecules. Notable amongst these elements is the higher concentration of aerosolized biocontaminants. Indeed, in the near future human beings (and all other breathing forms of life) will have the esteemed privilege of imbibing air composed by an unprecedented number of these elements. What few realize is that the majority of these particulates come from the burning of billions of tons of fecal matter from pigs, chickens, and other animals.<sup>487</sup> The atmosphere is quite literally saturated with feces and, perhaps more unsettling, this feces dramatically alters your physiology.

Fecal matter gets into the ecosystem as a necessary byproduct of massive industrial farming projects. The cumulative effect of this process has been well documented. The explosion of factory farming jeopardizes innumerable local and planetary ecologies, creates vicious antibiotic resistant bacteria, and supports unimaginably cruel practices all for the sake of profits. Sadly, these trends will be amplified as meat consumption becomes more and more a global norm, population growth continues, and industrial ‘development’ imperatives grow in popularity. The future is a blight for animal life with numerous species living purely for the sake of human consumption entombed in a vast factory network distributed across countries and

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<sup>487</sup> Suresh D Pillai and Steven C Ricke, “Bioaerosols from Municipal and Animal Wastes: Background and Contemporary Issues,” *Canadian Journal of Microbiology* 48, no. 8 (August 2002): 681–96.

continents.<sup>488</sup> If interventions on the climate, an abstract but real entity, are difficult to comprehend for many constituencies then perhaps the concrete violence done to fleshy animals might prompt a more immediate political response. Unfortunately, this is not the case.

Indeed, genocide has long been one of the primary vocabularies for politicizing the mass death of animals in industrial agriculture.<sup>489</sup> For instance, on February 22<sup>nd</sup>, 2007 Nobel Prize winner J.M Coetzee gave a speech at the Sherman Galleries in Sydney, Australia. the subject of which was the relationship between human beings and non-human animals. “It must,” Coetzee states, “be obvious there is something terribly wrong...wrong on a huge scale” with the human-animal relationship.<sup>490</sup> Incisively, Coetzee challenged the thesis that the industrial production of animal meat constitutes an economic, political, biological, or demographic necessity. To the contrary, Coetzee argued that the horrific dangers of the industrial production line were all too clear in the lessons of history. These lessons “came so loud and clear that one would have thought it impossible to ignore. It came in the midst of the 20<sup>th</sup> century, a group of powerful and bloody-minded men in Germany hit on the idea of adapting the methods of the industrial stockyard, as pioneered and perfected in Chicago, to the slaughter or what they preferred to call the processing of human beings.”<sup>491</sup> Coetzee’s argument is more than an analogy.

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<sup>488</sup> Michael Pollan, *The Omnivore’s Dilemma: A Natural History of Four Meals* (Penguin, 2006), 48-58.

<sup>489</sup> The question of the animal is fraught. As Derrida points out the very notion of the animal involves an anthropocentric prejudice that discursively combines a huge distribution of forms of life for the purposes of drawing a division between the human as the special form of life and distinguish it from base animality. While this is not the point for an extensive discussion of the production of the human non-human animal binary such critiques resonate with the work here. See Jacques Derrida, *The Animal That Therefore I Am*, ed. Marie-Louis Mallet, trans. David Wills, 1 edition (New York: Fordham University Press, 2008).

<sup>490</sup> J.M. Coetzee, “Exposing the Beast: Factory Farming Must Be Called to the Slaughterhouse,” *The Sydney Morning Herald*, February 22, 2007, <http://www.smh.com.au/news/opinion/exposing-the-beast-factory-farming-must-be-called-to-the-slaughterhouse/2007/02/21/1171733846249.html?page=2>.

<sup>491</sup> Ibid.

As Giorgio Agamben claims, the turn to the gas chamber and industrial killing in Nazi Germany drew support from the non-metaphorical link between treating Jews and others as non-human animals (lice) and the practice of animal extermination.<sup>492</sup> The links between the two practices are causal, concrete, and figurative. Ironically, Coetzee was not the first winner of the Nobel Prize to indict the industrial production of meat. Isaac Bashevis Singer, winner of the Nobel in 1978, drew extreme criticism for comparing the treatment of animals to an “eternal Treblinka.”<sup>493</sup> Of course, Singer didn’t have access to the statistics that Coetzee cited indicating that around 65 billion animals are killed annually for the purposes of human consumption, the majority in factory farms.<sup>494</sup>

The problem, however, is that using concepts is a tricky business. As devices aesthetic and political, they mark creativity in thought, but a creativity that cannot be easily directed. Whatever an author’s intentions words and concepts are slippery, they can be caught, twisted, and reversed. The call to concern for animal genocides is no different. For instance, consider Alec Rawls’, former editor of the *Stanford Review*, and his heated response to the animal rights activists on the ethics of factory farming. In a piece entitled ‘Vegetarianism is Genocide,’ Rawls points out a problem with Coetzee’s and Singer’s logic. According to Rawls, factory farming “support[s] the lives of millions *more* animals. Choosing to not eat and otherwise use animals necessarily eliminates the existence of those animals that would have been used.”<sup>495</sup> Rawls thus counsels vegetarians to ‘step up to the plate’ as an ethical response to animal cruelty by supporting

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<sup>492</sup> Agamben, *Homo Sacer*, 114.

<sup>493</sup> Isaac Bashevis Singer, “The Letter Writer,” in *The Penguin Collected Stories of Isaac Bashevis Singer* (Harmondsworth: Penguin Books Limited, 1984), 271.

<sup>494</sup> Farm Animal Rights Movement, “Number of Animals Killed in US Increases in 2010,” 2011, <http://farmusa.org/statistics11.html>.

<sup>495</sup> Alec Rawls, “Vegetarianism Is Genocide,” *The Stanford Review*, 2002, reproduced at [http://www.rawls.org/vegetarianism\\_is\\_genocide.htm](http://www.rawls.org/vegetarianism_is_genocide.htm).

the practices that give birth (and death) to the animal. In effect, Rawls argues that ending factory farming would effectively ‘abort’ animals that would otherwise be born thereby preemptively eliminating their life. The futurist logic that pervades these arguments defends the inherent ‘sanctity of all life,’ but does so, in the case of animals, even if that life is destined to confinement, butchery, vivisection, and consumption.<sup>496</sup> Twisted as this logic may be, Rawls highlights a horrific reality that for many species, from bovines to corn, their life as a species hinges on their ongoing destruction by humans.<sup>497</sup> The late Jacques Derrida offered a scathing critique of animal consumption pinpointing exactly this predicament:

Such a subjection, whose history we are attempting to interpret can be called violence in the most morally neutral sense of the term...men do all they can in order to dissimulate this cruelty or to hide it from themselves in order to organize on a global scale the forgetting or misunderstanding of this violence, which some would compare to the worst cases of genocide (there are also animal genocides: the number of species endangered because of man takes one’s breath away). One should neither abuse the figure of genocide nor too quickly consider it explained away. It gets more complicated: the annihilation of certain species is index in process, but it is occurring through the organization and exploitation of an artificial, infernal, virtually interminable survival, in conditions that previous generations would have judged monstrous, outside of every presumed norm of a life proper to animals that are thus exterminated by means of their continued existence or even overpopulation. As, if for example, instead of throwing a people into ovens and gas chambers (let’s say Nazi) doctors and geneticists had decided to organize the overproduction and overgeneration of jews, gypsies, and homosexuals by means of artificial insemination, so that, being continually more numerous and better fed, they could be destined in always increasing numbers for the same hell, that of the imposition of genetic experimentation, or extermination by gas or by fire.<sup>498</sup>

Derrida’s analysis points to the complexity of thinking the human non-human animal relation in connection with the figure of genocide since the industrial production of meat actually fosters the continuity of life of many species, but does so paradoxically for the purposes of their death. In this moment, biopolitics and thanatopolitics enter into a zone of indistinction and the industrial production constitutes a *making live* for the purposes of

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<sup>496</sup> Antiabortion activists often make similar claims.

<sup>497</sup> Pollan, *The Omnivore’s Dilemma*, 25-55.

<sup>498</sup> Derrida, *The Animal That Therefore I Am*, 25-6.

*making die*. The animal life, which exceeds any cosmopolitan, humanist, or utilitarian standard for ethical conduct, also pushes the limit of genocide as it has classically been understood—a danger that Derrida, in the above quotation, warns us about, but also pushes us toward. Other philosophers, such as Roberto Esposito, argue against aligning the destruction of animal life with genocide because, as Esposito claims, genocide requires “(1) that there exists a declared intention on the part of the sovereign state to kill a homogenous group of persons; (2) that such killing is potentially complete, that is, involves all its members; (3) that such a group is killed insofar as it is a group, not for economic or political motives, but rather because of its biological constitution.”<sup>499</sup> Here, Esposito, whose work pushes on questions about the boundaries of life, community and immunity, adopts a strangely conservative approach to the vocabulary of genocide by endorsing whole-heartedly the normative understanding. Sadly, his caution also functions to depreciate the novelty of contemporary forms of violence, which often encourage the reproduction of animal life in a variety of forms, but entangles this reproduction with an ongoing process of destruction that impacts virtually every aspect of biological and cultural life from breathing to eating. This violence was unthinkable for Lemkin and previous generations of genocide scholars in terms of scale, longevity, and complexity.

In this regard, the evolution, transformation or becoming of practices of destruction exceed the vocabularies capable of reckoning with such forces. Without explicit intent, billions of living beings participate in this process. The very life of the groups destroyed takes form and has been engineered to facilitate and reproduce this mode of destruction. If genocide brings with it a sense of horror then perhaps no process

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<sup>499</sup> Roberto Esposito, *Bios: Biopolitics and Philosophy*, trans. Timothy Campbell (Minneapolis: University Of Minnesota Press, 2008), 137.

stands out like this: the proliferating new forms of life that interlace biopolitical and thanatopolitics into a process constitutive of the flow of energy into organisms across the surface of the earth. The plasticity of destruction, the permeability of destructive events that constitute innumerable political, economic, social and biological layers of planetary life makes for an almost inescapable, unrelenting, and, for many, unlivable development. The destructive process has, in this sense, *invented* new forms of interspecies-being for the purpose, and only for the purpose, of wholesale slaughter in the name of life's necessity. The only thing inhibiting this sense of horror from developing is a lingering form of human exceptionalism and the fear that equating animals with humans will devalue the horror of historical genocides. Both concerns, however, amount to an effort to police the boundaries of a concept, to disavow horror, and, more problematically, undermine the capacities for concepts to transform and enhance our capacities to live otherwise. Indeed, if the concept of genocide, a concept marked by a multiplicity of groups, destructions, and intents, a concept allegedly produced to describe the worst forms of violence and deprivation, cannot serve to describe the ongoing, continuous elimination of untold billions of forms-of-life then perhaps we have reached the point where, in a sense, we can no longer speak of genocide at all, where genocide has, strangely, been stripped of its sense and made into one more commonplace in the order of things. If so, then the politics of genocide does little more than register a violence it treats as altogether unremarkable and, in doing so, points to a sad horizon for politics and thought.

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2013 B. Meiches. "The Responsibility to Protect and Luxurious War." *Critical Studies on Security* 1.2, 219-237

2012 B. Meiches and Raymond Hopkins. "Regime Theory." *International Studies Encyclopedia* and *International Studies Online*, ed. by Robert Denmark (Wiley Blackwell)

**FELLOWSHIPS, AWARDS, OTHER RECOGNITION**

2014 Dean's Teaching Prize, Johns Hopkins University (declined)

2013-2014 Dean's Teaching Fellowship, Johns Hopkins University

2012-2013 Charles Lathrop Pack Fellowship, Department of Political Science, Johns Hopkins University

2012 Excellence in Teaching Award nominee, Johns Hopkins University

2009-2014 The Leonard and Helen R. Stulman Jewish Studies Program Top Off Award, Johns Hopkins University

2009-2014 JHU Political Science Department Fellowship

**PRESENTATIONS**

2015 "Genocide and the New War Hypothesis," International Studies Association Annual Conference, February 18-21

- 2014 “Genocide and the Problem of New War,” International Studies Association-Northeast, Baltimore, November 7-8
- 2014 Discussant for Dan Smith “On Fragility,” The Fragility of Things Symposium, Johns Hopkins University, April 25-26
- 2014 “Steps Toward an Ecology of the Camp,” International Studies Association Annual Conference, Toronto, March 26-29
- 2014 “Horror and Political Experience: The Problem of Genocide,” International Studies Association Annual Conference, Toronto, March 26-29
- 2013 Discussant for Amy Niang “Prosperity without Morality: Ransoming, Ordering and Social Justice in the Sahel,” Sawyer Seminar, The Arrighi Center for Global Studies, Johns Hopkins University, November 18
- 2013 “Lemkin’s Legacy: Genocide and Politics After Sovereignty,” International Studies Association Annual Conference, San Francisco, April 3-6
- 2012 Discussant for Nicholas Onuf, “Relative Strangers: Reflections on Hospitality, Social Distance, and Diplomacy,” Political Science Department Seminar, Johns Hopkins University, November 1
- 2012 “Weapons of Another Sort: The Camp and New Materialism,” Millennium: Journal of International Studies Annual Conference on Materialism and International Relations, London School of Economics, October 20-22
- 2012 “The Responsibility to Preserve: Humanitarian Intervention and Violent Expenditure,” War Beyond War Workshop, Department of Peace and Conflict Studies, Colgate University, March 30-31
- 2012 “Luxurious War: Schematizing Humanitarian Intervention,” Graduate Student Colloquium, Department of Political Science, Johns Hopkins University, February 12
- 2011 Discussant for Alex Barder, “Imperial Laboratories and the Modern Surveillance State,” Department Seminar, Johns Hopkins Department of Political Science, November 14

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### Instructor

- 2015-2012 “On War and Its Discontents,” Political Science, Johns Hopkins University, Intersession
- 2014 “Global Politics in Theory and Film,” Political Science, Johns Hopkins University, Summer Session
- 2013 “The International Politics of Genocide,” Political Science and Jewish Cultural Studies, Johns Hopkins University, Fall
- 2012 “The Politics of Guilt and Sin,” (co-taught with Tim Hanafin), Political Science, Johns Hopkins University, Summer Session
- 2011 “Justice in Transition,” Political Science, Johns Hopkins University, Intersession

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- 2014 & 2012 “Contemporary International Politics,” (Professor Steven David), Head TA, Political Science, Johns Hopkins University
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- 2010 “Introduction to International Political Economy,” (Professor Dorothy Heisenberg), Political Science, Johns Hopkins University
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- 2015-2014 Graduate Student Representative, Department Seminar Committee, Department of Political Science, Johns Hopkins University
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**EMPLOYMENT**

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